



# **Voters First:**

## **An Examination of the 2006 Midterm Election in Missouri**

Report from the  
Office of Secretary of State  
to the People of Missouri

Winter 2007

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Secretary of State

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## 2006: A Historic Year for Elections in Missouri

2006 was a historic year for elections in Missouri. The August 2006 primary election marked the first election with new federally-mandated voting equipment. Because of close results between Republican auditor candidates Jack Jackson and Sandra Thomas, there was a statewide recount. On November 7, almost 53 percent of registered voters showed up at the polls around the state, two percent more than the general election in 2002. In the closely-watched U.S. Senate race between Claire McCaskill and Jim Talent, 2,128,459 votes were cast. Meanwhile, a number of high profile ballot measures rounded out a lengthy ballot.

**New voting machines debuted around the state in 2006.**

As a response to the issues in Florida and around the nation in the 2000 presidential election, the federal government passed a set of reforms known as the Help America Vote Act (HAVA) which required significant changes in the voting process. These

changes included, among other things, phasing out punch-card voting systems and upgrading to new equipment that would allow voters to have a “second chance” to review his or her ballot, creating a statewide voter registration database list, and making voting equipment accessible to individuals with disabilities.

Missouri received more than \$63 million in federal funds to implement HAVA. Work to coordinate implementation of these significant federal requirements with Missouri’s 116 local election authorities (county clerks and election boards) began under Secretary Blunt’s Administration (2001-2005), and continued with Secretary Carnahan’s Administration (2005-present).

Several major requirements of HAVA were originally scheduled to be completed prior to the November 2004 election. However, the Office of Secretary of State received waivers from the federal authorities to delay completion of the statewide voter registration database list and punch-card voting machine replacement until 2006.<sup>1</sup>

**Missouri’s statewide voter registration database enabled counties to keep track of registered voters more efficiently than they ever had before.**

Thus, for many Missouri voters, 2006 marked the first time new voting technology was used in an election. Some polling places were renovated and, in some cases, moved in order to improve accessibility for voters with disabilities. New voting machines debuted around the state in 2006, while Missouri’s statewide voter registration database enabled counties to keep track of registered voters more efficiently than they ever had before.

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<sup>1</sup> See appendix for correspondence.

In addition to changes required by HAVA, Missouri election law also changed significantly. For the first time in decades, one new law meant that Missourians were not allowed to cast a straight-party ballot.<sup>2</sup> This was no small change, because in 2004 more than one million Missourians cast straight-party ballots.

One thing that remained the same, however, was the identification Missourians needed to vote. On October 16, 2006, the Missouri Supreme Court ruled unconstitutional<sup>3</sup> recent legislation that would have required voters to present a government-issued photo ID in order to vote. The decision allowed eligible voters to cast ballots as they have in previous elections since most recent voter identification requirements were implemented in 2002.

Overall, the Office of Secretary of State and local election officials successfully implemented many changes and maintained the integrity, accuracy, and security of the election process in Missouri. However, there are areas in which Missouri election administration can still be improved to provide more confidence, convenience and privacy for voters. This report discusses themes and specific issues of the 2006 election and follows with recommendations.

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<sup>2</sup> Missouri Session Laws, 1921, page 308.

<sup>3</sup> *Weinschenk et al. v. State of Missouri*, 203 S.W.3d 201 (Mo.banc 2006).



# Executive Summary

The purpose of this report is to examine the 2006 election, identify issues, and recommend solutions for improving and safeguarding Missouri's elections. The findings of this report include an analysis of more than one hundred separate issues reported to and fielded by the Secretary of State's office on Election Day, information from local election authorities, poll workers, and news stories from around the state.<sup>4</sup>

This report discusses the successes of the 2006 election, from the most accurate voter list Missouri has ever had, to new accessible voting equipment for people with disabilities. As in previous elections, the absence of reports of voting impersonation or voting fraud in the 2006 election in Missouri was notable.

In October 2006, the Missouri Supreme Court upheld the Cole County Circuit Court ruling that struck down as unconstitutional the provision in Senate Bill 1014 that required Missourians to show a government-issued photo ID in order to vote at the polls. In its opinion summary, the Court found that "the photo ID provisions of Senate Bill 1014 represent a heavy and substantial burden on Missourians' free exercise of their right to vote."<sup>5</sup>

**As in previous elections, the absence of reports of voting impersonation or voting fraud in the 2006 election in Missouri was notable.**

Thus, it is particularly noteworthy that the type of voter fraud allegedly prevented by photo ID — voter impersonation at the polls — was

not reported as a problem in Missouri. At the time of this report, no such cases from anywhere in the state had been reported to the Secretary of State's office.

Although there were no reports of voter impersonation or voting fraud, there were isolated incidents of alleged registration fraud that were reported in advance of the 2006 general election. Allegations of fraudulent voter registration cards surfaced and were investigated in St. Louis and Kansas City, and three individuals were indicted in Kansas City for alleged registration fraud, one of whom pleaded guilty. Such examples of investigation and prosecution of voter registration fraud are evidence that the safeguards in place in Missouri are working.

Finally, this report identifies two significant dangers to the democratic process in Missouri: long lines or delays at polling places, and the intimidation or misinforming of voters. The incidents of long lines at the polls function as a deterrent to voting. Cases of voters being intimidated or misinformed on or before Election Day were also reported and are described in this report.

In summary, this report finds that election administration in Missouri is effective, with some areas for improvement. Long lines, ballot shortages, intimidation of voters, and poll worker training are among the issues that need attention and can be improved upon for Missouri voters.

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<sup>4</sup> Any issue reported to the Secretary of State's office was referred to the appropriate local official for verification and any action deemed necessary.

<sup>5</sup> *Weinschenk et al. v. State of Missouri*, 203 S.W.3d 201 (Mo.banc 2006).

# **I. Issues and Themes in Missouri's 2006 Election**

## A. Accessibility and Equipment

In addition to being accurate and secure, Missouri's elections were accessible and efficient. Missouri voters benefited from new voting equipment and other enhancements to polling sites in 2006. Over 2.1 million votes were cast in the general election on November 7, 2006. Voters saw new equipment, and federal law required at least one machine per polling place be accessible to individuals with disabilities. In addition, many local election authorities made great strides with regard to voting accessibility by applying federal funds toward physical improvements. Although many improvements have been made in terms of voter accessibility, some issues still exist that, if addressed, will further enhance the election process for voters.

### New Voting Technologies

The 2006 election was the first election in which all Missouri local election authorities used some form of new voter technology in order to be in compliance with federal and state law. Overall, new voting equipment worked well in the 2006 elections.

In the months leading up to the election, many Missouri counties worked tirelessly to secure reliable new voting machines. In Missouri, it is the responsibility of the local election authorities to choose and purchase the voting equipment used in their jurisdiction. The Office of Secretary of State provided guidance to all 116 local election authorities to help ensure the security, accessibility, and accuracy for new voting equipment. All sites had optical scan ballot systems, which allowed voters to vote on a paper ballot which was then read by an optical scan machine. Each polling site was also required to have at least one machine that was accessible for individuals with disabilities, or a direct-recording electronic (DRE) machine.

Additionally, every DRE purchased in Missouri was required to include a voter-verified paper audit trail (VVPAT). Missouri is one of 22 states that require voting machines to produce a voter verified paper audit trail, or "VVPAT."<sup>6</sup>

**Voting machine issues comprised 13 percent (about one of seven) of all reports received by the Secretary of State's office.**

Between the optical scan systems and the DRE systems, all Missouri voters were able to vote with some kind of paper record. The majority of Missouri voters voted on paper ballots that were read by optical scan machines, and the remainder voted on DRE machines with paper trails.

In general, the transition to the new equipment went smoothly. Voters were able to cast ballots, equipment worked well, and election results were reported in a timely manner. Of the issues that were reported to the Secretary of State's office, voting machine issues comprised 13 percent (about one of seven) of all reports received.

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<sup>6</sup> Fact Sheet: Voter-Verified Paper Audit Trail Laws & Regulations, *Electionline.org*, September 2006.

## Accessibility

The transformation of Missouri polling places into sites that are more accessible to people with disabilities was a major achievement of the last year. Improving accessibility included moving and renovating polling places, as well as implementing accessible voting equipment such as DRE voting machines. The Secretary of State's office worked with local election officials to help provide Missourians with disabilities the access and privacy afforded to every other voter.

Secretary of State Robin Carnahan made it a priority to work with local election authorities to improve accessibility in time for the 2006 election. Many local jurisdictions applied federal HAVA funds toward wheelchair ramps, handrails, and other items to make sites more accessible.

**“What a wonderful experience to be able to vote without depending on someone else to assist in the selection!”**

*~email from a voter with disability*

In previous elections, many Missourians with disabilities were unable to vote privately. The new HAVA-required accessible voting machines allowed voters who had visual or physical impairments to cast their ballot without the assistance of an election judge. After experiencing the new

equipment during the August 2006 election, several individuals spoke highly of the experience. One voter from Platte County remarked, “I did not encounter any problems and it was exciting to have cast my first truly secret ballot.”<sup>7</sup>

A Springfield resident commented, “It's so much easier for me...before, you just got paper and they helped you. This is more private.”<sup>8</sup>

Although many voters with disabilities had positive experiences with new equipment, some had constructive suggestions for improvement. “I wish the rate of speech could be adjustable and I see room for some fine tuning,” stated one voter. Another voter suggested shielding the machine screens from glare, providing some systems at varying heights instead of all at wheelchair height, and adjusting the sensitivity of the touch screen because it needed a lot of pressure applied in order to register a vote.<sup>9</sup>

## Equipment Issues

Optical scan machines, which were the primary voting systems in Missouri polling locations, performed well. In two counties, ballots were rejected and had to be taken before a resolution board to verify the voters' intent.<sup>10</sup> Stoddard County Clerk Don White estimated that 15 percent of the approximately 10,400 ballots cast in the county were rejected by these optical scan machines. According to White, “Ninety-five percent of our trouble was that people didn't vote the ballot right.” Instead of filling in ovals, many voters circled or checked them.<sup>11</sup>

<sup>7</sup> Voter email, August 9, 2006.

<sup>8</sup> “Voters navigate machines with no difficulty,” *Springfield News-Leader*, August 9, 2006.

<sup>9</sup> Voter emails, August 2006.

<sup>10</sup> “Voter Errors Delayed Returns in some Southeast Missouri Counties,” *seMissourian.com*, November 9, 2006.

<sup>11</sup> Id.

Although some rejected ballots can be attributed to newer optical scan machines, part of the problem was that “on big turnouts, [you] get people who aren’t used to voting,” White added. A similar situation occurred in Mississippi County on a smaller scale. About 100 ballots were rejected, said County Clerk Junior DeLay, mostly because of overvoting.<sup>12</sup>

A candidate for the Jackson County legislature Neal McGregor lost by less than one percent of the vote and filed a lawsuit asking for a new election. McGregor alleged that “numerous irregularities,” such as difficulties with the new InkaVote Systems, occurred while voters cast their ballots for the 5th district legislative seat.<sup>13</sup>

There were also two notable cases of electronic issues during the 2006 election in Missouri. In Lawrence County, a problem was noticed when returns became available after the polls closed. According to Lawrence County election officials, the titles for a ½-cent sales tax increase and a judicial race were inadvertently switched. The initial result led voters to believe that the tax increase had passed when it had failed. The programming error was discovered during a manual recount.<sup>14</sup>

**The Secretary of State’s office fielded reports of broken optical scan ballot counters in several areas.**

Another issue occurred in St. Louis County as a handful of regular and in-person absentee voters reported that their votes for U.S. Senator were repeatedly misrecorded by DRE voting machines.

Voters said that when they tried to vote for candidate Claire McCaskill, the computer recorded it as a vote for her opponent, Jim Talent. After several attempts, voters reported they were able to correct the machine and record their vote as intended.<sup>15</sup>

John Diehl, Chairman of the St. Louis County Board of Elections, said that the biggest problems were delays caused by lack of experience replacing paper rolls on voting machines.<sup>16</sup>

A more common occurrence was inoperative optical scan ballot precinct counters. The Secretary of State’s office fielded reports of optical scan ballot precinct counter problems in several areas including St. Louis City, St. Louis County, and Jackson County. While some counties were accustomed to the equipment, others were using the precinct counters for the first time in a general election. In counties where the machines were out of order, some poll workers had voters place the voters’ marked paper ballots under the counter or in a box until they could be counted at a later time.<sup>17</sup> In St. Louis County, one voter reported to the Secretary of State’s office that he was instructed to put his regular ballot in the *provisional* ballot box after the ballot counter had broken.

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<sup>12</sup> Id.

<sup>13</sup> “McGregor Goes to Court,” *Kansas City Star* online, December 11, 2006.

<sup>14</sup> “Voting Glitches Pop Up in Area,” *Springfield News – Leader*, November 9, 2006.

<sup>15</sup> See correspondence in appendix.

<sup>16</sup> “Some Voting Problems Reported in Missouri,” *Kansas City Star* online, November 7, 2006.

<sup>17</sup> “Voting Glitches Pop Up in Area,” *Springfield News – Leader*, November 9, 2006.

## Long Lines

Long lines and voter accessibility have been issues in recent Missouri elections. In November 2004, voters in Oronogo (Jasper County) reported waiting in line to vote for several hours.<sup>18</sup> In 2000, voters in St. Louis City waited for many hours in the office of the Board of Election Commissioners to cast a ballot. The challenge of long lines and their possible consequence – voter disenfranchisement – are not new to Missouri.

Long lines and severe delays were an issue again in some areas in the November 2006 election. This problem arose in a number of counties, rural and urban, around the state.

**“People left because lines were too long...”**

*~ a poll worker wrote in  
poll worker survey*

In Jefferson County, one voter recounted waiting for more than an hour to vote because his polling place ran out of ballots. “I’ve counted 20 people walk away,” he said.<sup>19</sup> Poll workers in the same area also reported long lines and mentioned that the divided alphabetized poll books (“A-K” and “L-Z”) were uneven, resulting in one very short line and one very long line, frustrating many voters.<sup>20</sup>

In St. Louis County and some other areas, poll workers reported long lines due to a lack of new equipment or privacy booths for voting. “Too long of wait for the electronic voting machines,” reported one poll worker. “It was too long, not enough new machines,” stated another, “people left because lines were too long, you need more places to vote...” A Boone County poll worker remarked, “Too long a wait for electronic voting machines.”

The elimination of the straight-party ticket voting option was also an issue. More than one million voters used this option and voted straight-party in 2004. However, in May of 2006, a ban on the straight ticket voting option was added to legislation. The reason for the change was detailed in an article in the *Kansas City Star*.<sup>21</sup>

The change (which ultimately became law) meant voters could no longer use the “straight party” ballot option, where one mark allowed a voter to vote for all of the candidates of one political party. Instead, a voter had to vote for each candidate of his/her choice individually, requiring much more time with a lengthy ballot. Voters seemed displeased about the change in November. For example, a Cape Girardeau County poll worker reported, “A few [voters] wanted to mark only Democrat or Republican as they were used to doing.” In St. Francois and St. Louis County, poll workers reported that voters complained they could no longer vote straight ticket and had to wait too long to vote.

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<sup>18</sup> “County Clerks Say Turnout to Blame for Troubles,” *The Joplin Globe*, November 2004.

<sup>19</sup> “Glitches Made Voting Tough for Some,” *USA Today*, November 8, 2006.

<sup>20</sup> Secretary of State Poll Worker Survey, 2007.

<sup>21</sup> ‘Straight-Ticket’ Voting at Risk in Missouri: Missouri Senate Republicans Say Proposal is Punitive,” *Kansas City Star*, May 10, 2006.

## Ballot Shortages

The elimination of “punch-card” voting systems, another HAVA mandate, was complete in time for the 2006 election. Missouri was one of a handful of states to still use punch-card ballots in the 2004 election, despite the infamous “hanging chads” that resulted from their use in the 2000 presidential election in Florida. However, over the past two years, the Secretary of State’s office and Missouri’s 116 election jurisdictions have eliminated punch-cards in favor of optical scan and other voting systems.

Despite new equipment, not all areas printed enough paper ballots in advance of the election. Long lines of people waiting for new or photocopied ballots due to ballot shortages were reported in several Missouri counties including Jasper, Pemiscot, Scott, Callaway, Jefferson, and St. Louis County.<sup>22</sup>

A minimum of twelve precincts in Jasper County exhausted their supply of ballots, resulting in extremely long lines.<sup>23</sup> The county eventually produced photocopied ballots; however, these photocopied ballots had to be hand-counted, further delaying election returns. Jasper County officials acknowledged that some voters had decided to leave without voting but were unsure how many potential voters actually left.<sup>24</sup>

**Despite new equipment,  
not all areas had enough  
paper ballots.**

Voters at some Jasper County precincts had to wait about two hours for their photocopied ballots. One voter who waited said he saw at least 12 people come in and leave because they could wait no longer. There were also reports from some of those who waited and filled out photocopied ballots that one race was already voted for them. “The line was marked straight across,” said the voter.<sup>25</sup>

In Joplin, another voter said she saw five or six people leave in the 45 minutes she waited. “People are leaving without voting,” she said.<sup>26</sup>

“First-time voter. I will never vote again,” commented one voter as she waited for a photocopied ballot. “You guys want us to make a difference, and then they have this. It’s so discouraging.”<sup>27</sup>

The situation in Jasper County could have proved to be very problematic to the overall outcome of the 2006 election. Ultimately, though, no races in Jasper County were close enough to be seriously challenged, as all candidates and issues won by a sizable margin.<sup>28</sup>

Another situation arose in Johnson County. One Democratic candidate filed a court petition seeking a new county auditor's election after it was discovered that a ballot shortage had turned

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<sup>22</sup> “High Turnout Swamps Election Officials,” *Fulton Sun*, November 8, 2006.

<sup>23</sup> See letter from County Clerk in appendix.

<sup>24</sup> “Voting Glitches Pop Up in Area,” *Springfield News – Leader*, November 9, 2006.

<sup>25</sup> “Voters Inundate Polls,” *The Joplin Globe*, November 9, 2006.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> “Guest column: Election Day was difficult time,” *The Joplin Globe*, November 19, 2006.

away dozens of voters from the polls. Candidate C. Kay Dolan lost by four votes out of 14,860 cast, causing some voters to call into question the election results.<sup>29</sup>

## **B. Poll Worker Training and Availability**

In an election full of changes and new voting equipment, Missouri's poll workers did an impressive job. There were, however, some cases in which more or better-trained poll workers could have made a difference for Missouri's voters.

### **Poll Worker Recruitment**

In response to problems with the 2004 election stemming from understaffed polling places, Secretary of State Carnahan actively encouraged Missourians statewide to serve as poll workers through her office's "It's Your Turn: Be a Poll Worker" recruitment initiative. As a result, the Secretary of State's office forwarded 1,700 additional names of potential poll workers to local election authorities throughout the state before the November 2006 election. Secretary Carnahan also partnered with Missouri businesses, encouraging them to allow their employees the opportunity and incentive to serve as poll workers on Election Day.<sup>30</sup> Additionally, the Office of Secretary of State sent out a post-election poll worker survey to the individuals who signed up through the program in order to understand how the poll worker program is working and what aspects can be improved.

### **Poll Worker Issues**

While most poll workers performed well despite new voting systems and laws, there were some complaints. Several people in Johnson County complained to the Secretary of State's office that an insufficient number of election judges forced members of one political party to serve as judges on the other party's behalf.

Stress due to being understaffed and overworked appeared to take its toll on poll workers in some cases. In St. Louis County, one voter reported to the Secretary of State's office that the poll workers had been too busy arguing amongst one another to show her how to use a DRE machine. A poll worker in St. Louis City commented, "I saw first-hand in-fighting among workers and others taking the position they didn't have to work, because they would still be paid...There was another worker who took 2 hours for lunch. I was happy to be there but I was stunned at the behaviors of some managers and poll workers."<sup>31</sup>

Some suggested that more incentives and flexible schedules for poll workers would be worthwhile. One poll worker from St. Louis County commented, "The experience was one that every voter should experience at one time or another. One suggestion I have to make the pool of volunteers larger and to treat poll workers like jury duty. Employers should be legally obligated to treat poll working and jury duty the same. They are both civic duties which all eligible voters should be obligated to participate in." A Boone County poll worker suggested, "The workday is

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<sup>29</sup> *Dolan, et al. vs. Powers, et al.*, No.06JO-CVOO806 (Circuit Court of Johnson County)

<sup>30</sup> "Polling Together," *St. Louis Business Journal*, October 13, 2006.

<sup>31</sup> Post-Election Poll Worker Survey, Secretary of State's Office, January 2007.



too long – you should have poll workers in shorter shifts. By the end of the day, all poll workers were so exhausted that mistakes were being made. The very long day is the one thing that would make me hesitate to work as a judge again.”<sup>32</sup>

## **Poll Worker Training**

The Office of Secretary of State worked with University of Missouri-Extension over the past few years to develop materials to help local officials with poll worker training. Overall, efficient work and dedication by poll workers contributed to the smooth operations of the 2006 elections, and poll worker training was effective.

However, in some places, lack of sufficient poll worker training remained an issue. For example, a Jefferson County poll worker stated, “I was proud to be part of the experience but disappointed at how little preparation I was given. I had one two-hour training session on the touch screen and was told there would be further training the week before the election that never happened.” Also, a poll worker from St. Louis County commented, “I felt under-trained on how to run the sign in books. I never touched machines until the end and folks told me what to do. Maybe in the future new folks can be shown one last time before polls open by supervisor how things should be filled out. I also recommend that you offer some conflict resolution techniques as part of training. Some workers were rude when voters started to get upset.” A Boone County poll worker said, “Needed more training on all options – i.e. address changes, poll location errors...”<sup>33</sup>

“I would have liked to have had more training for the handicapped accessible equipment,” a Dent County poll worker mentioned.

A number of privacy concerns arose that perhaps could have been prevented by more careful preparation. Voters in Franklin and Jackson counties reported polling booths without privacy dividers to prevent others from watching them vote. In St. Louis County, several voters complained that DRE machines were positioned so that anyone walking by on the street could look through the window and watch them choose candidates. A St. Louis City poll worker suggested, “Polling place needs more stations for completing paper ballots.”

Qualified voters were also instructed to cast provisional ballots in St. Louis County when poll workers could not reach the Board of Elections by phone to verify voter eligibility. Thus, voters were unable to check their registration status (i.e. if registered to vote at a nearby polling place) to see about voting a regular ballot at another location.<sup>34</sup>

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<sup>32</sup> Id.

<sup>33</sup> Post-Election Poll Worker Survey, Secretary of State’s office, January 2007.

<sup>34</sup> See Issues Reported to Secretary of State in appendix.

## C. Voter Registration

### **Missouri Centralized Voter Registration (MCVR) Database List**

In Missouri, the local election authorities are responsible for keeping their respective voter registration list accurate and up-to-date. With the advent of MCVR, each jurisdiction can more easily share information. The voter list, which incorporates data from all 116 jurisdictions in Missouri, is the most comprehensive and accurate list of Missouri voters that the state has ever had. The November 7 election was Missouri's first general election with the new registration database in place.

The MCVR database list was designed to enable counties to keep better track of registered voters, eliminate duplicate registrations, and prevent fraud. For instance, when a voter moves from one Missouri county to another and re-registers, the movement is kept on file, ensuring that he or she is only registered in one location.

The MCVR database also allows for deceased and ineligible voters to be easily and systematically removed from county poll books. Since early 2006, more than 127,000 deceased voters have been removed from the system. Every week, the Department of Health and Senior Services supplies a list of new deaths to every county clerk in the state. The database is also routinely updated with information from the Social Security Administration, Department of Health and Senior Services, the Department of Revenue, and the Department of Corrections, making it a powerful tool for county clerks to help clean-up and maintain their poll books throughout the year in compliance with the National Voter Registration Act (NVRA).

In addition to the in-state efforts, Secretary Carnahan and election officials in four other states (Iowa, Nebraska, Kansas and Minnesota) partnered to share information from their states' respective voter registration databases. The multi-state partnership aims to help keep voting lists up to date and prevent the type of double voting across state lines that, although very infrequent, had occurred in the past.

### **Enforcement of New Registration Laws**

Since the 2004 election, much has been done to improve the voter registration process in Missouri in addition to the new statewide voter registration database.

Legislation passed in 2006 required that anyone receiving compensation for collecting ten or more registration cards must be registered as a "voter registration solicitor" with the Secretary of State's office. In the period of August 28 through October 31, 2006, 389 individuals filed as solicitors.

The required registration of voter registration solicitors produced immediate results in Missouri. In November 2006, registration laws proved effective when four individuals were indicted for providing false information to the Kansas City Election Board and for filing false voter applications with the board. The investigations into these matters had not been completed at the time of this report. However, one of the indictments had been dropped.<sup>35</sup> Of the three remaining

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<sup>35</sup> "Charges Dropped in Voter Fraud Case," *Kansas City Star*, November 21, 2006.

individuals, two pleaded not guilty, and one pleaded guilty to filing a false voter registration form.<sup>36</sup>

Allegations of fraudulent voter registration cards also surfaced in St. Louis and were referred to the U.S. Attorney's office.

These examples of investigation and prosecution of voter registration fraud are evidence that the safeguards in place in Missouri are working. Those who tried to break the law were caught -- before votes were cast on Election Day.

## **Poll Book Issues**

Election authorities were also able to successfully use MCVR to print their poll books. However, there were still some reported issues that surfaced after certain local election authorities printed their poll books. Faulty or incomplete poll books caused problems at several local polling places this election. In St. Louis City (Ward 11, Precinct 5), one voter reported waiting to vote before being told that they had the incorrect poll books at the polling place. In Johnson County, absentee voters from the August primary showed up incorrectly as absentee voters for the November election, forcing some voters to go to the courthouse to sort out how to vote. In Jackson County (Ward 9, Precinct 4), voters found that the precinct roster had the correct cover but contained the wrong pages. Voters were told to either come back in the evening or cast a provisional ballot.<sup>37</sup>

Lastly, some voters encountered problems verifying their registration because poll workers misread precinct rosters. Students in the St. Louis suburb of Oakland were only able to cast provisional ballots because the poll worker looked for their names in the wrong part of the poll book.

# **D. Voter Misinformation, Intimidation, and Fraud**

## **Identification Issues**

The November 2006 election went smoothly for nearly all of Missouri's 116 election jurisdictions, and most eligible voters were able to vote after presenting one of the required forms of identification.<sup>38</sup> In several counties, however, voters were presented with confusing, and at-times, contradictory information about what type of identification was necessary for voting, despite counties receiving clear guidance about the identification requirements being the same as in previous years' elections.

In order to alleviate public confusion, after the photo ID law was struck down as unconstitutional, the Secretary of State's office sponsored a public awareness initiative that was broadcast through television, radio, and print media outlets to help make sure voters knew what they needed to bring in order to vote in November. Additionally, the Secretary of State's office

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<sup>36</sup> "ACORN Worker Enters Guilty Plea," *Kansas City Star*, February 7, 2007.

<sup>37</sup> See Issues Reported to Office of Secretary of State in appendix.

<sup>38</sup> Missouri statute, Section 115.427, RSMO

sent clarifying memos and voter education Election Day kits to all 116 local election authorities for use at the polling locations.<sup>39</sup>

Despite these efforts, voters being misinformed and confused by private groups and local election officials remained an issue in some places in 2006. Nearly one out of every five complaints received by the Secretary of State's office concerned a voter being asked for the wrong type of identification at the polls on Election Day.

“Nearly one out of every five complaints received by the Secretary of State’s Office concerned a voter being asked for the wrong type of ID at the polls on Election Day.”

Some types of voter misinformation began weeks before the election. In St. Louis County, the election board sent out voter notification cards telling voters to "bring signature ID," confusing some voters. In a second case, poll workers in St. Louis County consistently asked voters for “photo” or “signature” ID, sometimes specifically asking for a Missouri driver’s license, despite state law being clear on the types of identification allowed in order to vote.<sup>40</sup> There are several different acceptable forms of voter identification in Missouri, including some that do not have a signature, such as a paycheck, a bank statement or a student identification card.<sup>41</sup>

Nearly one-fifth of all issues received by the Secretary of State’s office were voters reporting that they had been wrongly asked for photo or signature ID. Of these, 61 percent were from St. Louis County. The Advancement Project’s Voter Protection initiative, a nonpartisan voter advocacy group, received as many as 200 complaints from St. Louis County voters who claimed that they were wrongly given provisional ballots or told to provide photo/signature IDs.<sup>42</sup>

In one instance, poll workers at the First United Methodist Church in Webster Groves insisted on voters presenting a photo ID in order to vote. At Mount Zion Church, a registered voter was not allowed to vote even though he had his voter identification card. At Bernard Middle School an election supervisor refused to accept a U.S. passport as identification and asked the voter to sign an affidavit.<sup>43</sup>

In St. Louis City, Secretary of State Robin Carnahan was improperly asked for a photo ID three times when voting in-person absentee. When she explained that a photo ID was not required by law, and that her voter identification card was sufficient, the poll worker replied that she had been instructed to ask for one anyway. In Boone County, several precincts were reported to have asked for photo ID. The same problem arose in Warren and Miller counties. In Cole County, voters reported being asked for signature ID,<sup>44</sup> and the poll worker manual instructed poll workers to do so if a voter didn’t have his/her voter ID card.<sup>45</sup>

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<sup>39</sup> See appendix.

<sup>40</sup> “Secretary of State Blasts County on IDs,” *St. Louis Post – Dispatch*, November 9, 2006.

<sup>41</sup> Missouri statute, Section 115.427, RSMO

<sup>42</sup> “St. Louis Vote Much Smoother than in ’00,” *Columbia Daily Tribune*, November 10, 2006.

<sup>43</sup> See Issues Reported to Secretary of State in appendix.

<sup>44</sup> *Id.*

<sup>45</sup> Cole County Clerk Memo to Poll Workers, November 2006.

Some voters were apparently misinformed as a result of poll worker error. As mentioned previously, in St. Louis County, it took two University of Missouri-St. Louis students more than three hours and four polling places to cast their votes, all because of an error by an election judge. The two students said that the polling place supervisor could not find their names in the poll book. They were later told that the poll supervisor searched the wrong place in her book for their names.

At the Oakland polling place, the students reported seeing “a stack of about 25 provisional ballots” that other voters, presumably in the same situation, had been forced to cast. “The supervisor said she’d been doing that all day,” the voter said.<sup>46</sup>

## **Electioneering**

The Secretary of State’s office received several complaints regarding pamphlets, posters, and flyers being within the 25-ft. distance where electioneering is prohibited. For example, in Cole County, a voter complained of “No on No. 2” brochures next to the table where voters picked up their ballots.<sup>47</sup>

## **Confusion and Intimidation**

In Greene County, automated telephone calls (also known as “robo-calls”) reportedly warned voters to bring photo ID to the polls or they would not be allowed to vote.<sup>48</sup> There were also reports on the radio in Kansas City of automated telephone calls telling voters their polling places had been changed and giving incorrect polling place information.

Two weeks before the election, the St. Louis City Election Board sent a letter to about 5,000 newly registered voters informing them that they needed to take additional steps to complete their registrations in order to vote. Scott Leiendecker, Republican director of the Election Board, said that many of the registration cards turned in by the Association of Community Organizations for Reform Now (ACORN) appeared to be fraudulent or incomplete.<sup>49</sup>

The Secretary of State’s office advised the Election Board that their letters created additional requirements for registration that may be in violation of state and federal election laws. The St. Louis Election Board then sent out another letter a few days before the election, informing the voters in question of acceptable forms of identification and the location of their polling places.<sup>50</sup>

Accounts of voter misinformation and intimidation also surfaced elsewhere. For example, one voter described being left off of the poll book, misinformed of her voting rights, and denied the right to cast a regular ballot. After moving from Columbia to Kansas City, she repeatedly checked with the Kansas City Board of Elections to make sure she had been re-registered in

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<sup>46</sup> “Some Voting Problems Reported in Missouri,” *Kansas City Star* online, November 7, 2006.

<sup>47</sup> See Issues Reported to Secretary of State in appendix.

<sup>48</sup> “Voting Glitches Pop Up in Area,” *Springfield News – Leader*, November 9, 2006.

<sup>49</sup> “Election Board Warns Thousands they may not be Registered to Vote,” *St. Louis Post – Dispatch*, October 28, 2006.

<sup>50</sup> “Second Letter is being Sent to New Voters in City,” *St. Louis Post – Dispatch*, November 1, 2006.

Jackson County. She was told that, indeed, she had been and was instructed to bring identification and proof of residence with her to the polls. Once she got there, her name was not on the voter rolls.<sup>51</sup>

Instances of misinformation and voter confusion were rare, as election administration was efficient in most places throughout the state in 2006. With few exceptions, eligible voters were able to vote and have their votes count.

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<sup>51</sup> Issue Reported to Secretary of State's office.

## II. Recommendations

# Recommendations

The Secretary of State's office recommends the following process enhancements and statutory changes for election administration improvement.

## **Increasing Accessibility, Convenience, and Privacy for Voters**

The Missouri General Assembly and Governor should:

- allow early voting in Missouri
- require a sufficient number of printed paper ballots for every polling place
- reinstate straight party ticket voting option

Local Election Authorities should:

- increase the number of privacy booths and voting stations at each polling location to help alleviate long lines
- increase the number of polling places in heavily populated areas to decrease waiting time for voters
- ensure privacy with DRE systems by situating equipment in a way that others cannot see how others have voted
- better educate voters about the use of new voting systems

The Secretary of State's office should:

- enhance training materials for local election officials on current rules and procedures for testing and use of new voting systems in order to ensure transparency and voter confidence

## **Enhancing and Maintaining Clean and Accurate Registration Lists**

The Missouri General Assembly and Governor should:

- continue to fully fund the current state law that provides incentives for local election authorities to maintain clean and accurate voter registration lists
- Increase the maximum penalty for those who misrepresent themselves on a voter registration application

Local Election Authorities should:

- Continue maintaining voter lists in accordance with state and federal law

The Secretary of State's office should:

- Provide on-line training for voter registration solicitors
- Explore feasibility of Election Day voter registration and/or automatic voter registration for those who apply for licenses at Missouri Department of Motor Vehicle offices



## **Increasing Efficiency in Elections Administration by Investing in More Qualified Poll Workers**

The Missouri General Assembly and Governor should:

- Allow citizens who serve as poll workers on Election Day to receive time off with pay just as if they were serving on jury duty
- Establish a tax credit as an added incentive for citizens who serve as poll workers
- Increase pay for poll workers

Local Election Authorities should:

- Explore offering split shifts for poll workers so citizens can serve for one half a day rather than the full 14-16 hour days now required of poll workers
- Enhance poll worker training before Election Day

The Secretary of State's office should:

- Continue updating and enhancing uniform statewide poll worker training materials
- Continue aggressive recruitment of more poll workers, especially technologically savvy individuals, through business/government efforts such as "It's Your Turn, Be a Poll Worker"

## **Ensuring Confidence and Fairness for Missouri Voters**

The Missouri General Assembly and Governor should:

- Increase penalties for those who knowingly disseminate misinformation or intimidate voters
- Extend the prohibition on electioneering materials from 25 to 100 feet from a polling place
- Increase the maximum penalty for persons who commit absentee voter fraud

Local Election Authorities should:

- Use uniform statewide voter education materials, such as the polling place packets distributed in 2006

The Secretary of State's Office should:

- Update and continue providing polling place packets similar to those distributed in 2006
- Encourage local election authorities to use uniform statewide voter education materials in every polling place

# Conclusion

By all accounts, the 2006 elections were fair, accurate and secure. In most areas, elections were smooth and efficient as well. New changes and upgrades to equipment and poll sites made elections accessible in many more areas than in the past. A new statewide voter registration database and the enforcement of recently enacted registration laws helped ensure the most accurate voter rolls yet for the state. An emphasis on recruiting more qualified poll workers resulted in greater awareness and more potential workers for Election Day.

With these great strides, though, more can still be done to ensure that Missourians vote with the privacy, convenience, and confidence to which they are entitled. Instead of one single threat to democracy, Missourians' votes are often jeopardized by a variety of irregularities and difficulties.

Remedying some of the issues discussed herein is fairly straight-forward. The long lines and lengthy delays that frustrated voters on Election Day, for example, can be prevented by ensuring enough paper ballots are printed in each county. Issues with new voting technology can be improved with additional and better-trained poll workers.

Matters such as voter misinformation and intimidation require that more attention be paid to the obstacles that confront many voters—especially poor, disabled, and elderly voters—on or before Election Day. Ensuring fairness in Missouri elections is of utmost importance, and elections cannot be fair if eligible voters are not allowed to vote.

Ensuring fairness in Missouri elections is of utmost importance, and elections cannot be fair if eligible voters are not allowed to vote.

The findings of this report suggest voters would benefit most from efforts to make the process of voting more transparent, efficient, and convenient, rather than costly measures designed to address alleged or unsubstantiated threats. Commonsense efforts such as early voting, increasing the number of poll workers and privacy booths, and allowing each voter to choose a touch screen or optical scan paper ballot for voting should be given attention.

The battle for fair, honest, and accurate elections has many fronts, each no less important than the other. Nonetheless, a commitment to putting “voters first” unites them all. By documenting and focusing on real successes as well as real difficulties for voters in Missouri, this report represents a firm, objective ground for improving elections in the state.

# Appendix

- I. Help America Vote Act (HAVA) Summary
- II. HAVA Waiver Documentation
- III. Supreme Court Decision on Photo ID
- IV. Cole County Circuit Court Decision on Photo ID
- V. Issues Reported to the Office of Secretary of State, November 7, 2006 Election
- VI. It's Your Turn: Be a Poll Worker - 2007 Survey Comments
- VII. Correspondence from November 7, 2006 Election
- VIII. Registration Form for Voter Registration Solicitors
- IX. Voter Education Kits for Local Election Authorities
  - a. Constitutional Amendment-Statutory Proposition - Full Ballot Language
  - b. Constitutional Amendment-Statutory Proposition - Fair Ballot Language
  - c. Missouri Voter Information
  - d. Missouri Voter's Bill of Rights
  - e. Missouri Voter ID Requirements
  - f. Don't Forget (No Straight Party option)
  - g. Electioneering and Posting Signs
- X. 1921 Law Regarding Straight Party Ticket Voting
- XI. Graph

**A GUIDE TO  
THE HELP AMERICA VOTE ACT OF 2002  
(H.R. 3295/P.L. #107-252)**

**Election Administration and Replacement of Voting Equipment Grants (Title I)**

Title I of the bill authorizes the Administrator of General Services to administer payments in the amount of \$650 million to: (1) implement election administration requirements under the act; and (2) replace punch card and lever machine election equipment. Authorized appropriations under this section are divided evenly between the two. Payments are to be made as soon as funds are appropriated.

**Election Administration Requirements (\$325 million).** Each Governor must notify the administrator within six months of the act's enactment that the monies will be used in accordance with the act. States are guaranteed a minimum payment of \$5 million. Remaining funds are allocated according to formula equal to the voting age population of each state divided by the total voting age population of all states. The Governor may use the funds as provided in the act. Intended purposes include:

- complying with federal election requirements under Title III of the act;
- improving elections for federal office;
- developing a state plan for election improvements as provided in the act;
- training election officials, poll workers and volunteers;
- improving voting systems;
- increasing voter participation;
- improving accessibility of polling places, including providing access for the disabled; and
- improving voter fraud investigation.

**Replace Punch Card and Lever Election Equipment (\$325 million).** Each state must certify to the administrator that within six months of the act's enactment the state will replace punch card and lever voting systems in qualifying precincts by the November 2004 general elections. If a state certifies that, for good cause, it will be unable to meet this deadline, the bill provides a waiver to January 1, 2006. A qualifying precinct is a precinct that used a punch card or lever voting system during the November 2000 elections.

If state legislation is required to fulfill these requirements, certifications may be submitted once legislation is enacted. However, the state must submit an initial certification within the six-month time period pending enactment of state legislation. Whether state legislation is required will depend on individual state law.

States that already have replaced equipment on or after January 1, 2001 may use the funds under this section as reimbursement payments.

Authorized appropriations under this section equal \$4000 multiplied by the number of qualifying precincts. If this amount exceeds the authorized appropriation of \$325 million, the administrator will reduce this amount accordingly. A state that fails to meet deadlines under the act must return funds in a proportion equal to the percentage of funds provided to noncompliant precincts.



**FAXED**  
12-11-03  
9:34 AM  
**COPY**

MATT BLUNT  
SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE  
STATE OF MISSOURI  
JEFFERSON CITY  
65101

STATE CAPITOL  
ROOM 208  
(573) 751-2379

VIA FACSIMILE (202-219-8500) AND OVERNIGHT MAIL

December 10, 2003

Honorable Penelope Bonsall  
Office of Election Administration  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Computerized Statewide Voter Registration List Waiver

Dear Ms. Bonsall:

As Missouri's chief state election official responsible for the administration and coordination of State responsibilities pursuant to the Help America Vote Act of 2002 (HAVA), I am writing to certify that Missouri, for good cause as described below, will not be able to meet the January 1, 2004 deadline for the computerized statewide voter registration list requirements as provided in Section 303 of HAVA, and therefore requires a waiver until January 1, 2006. Although HAVA requires that this certification be submitted to the Election Assistance Commission (EAC), it seems most appropriate that this certification be submitted to the Office of Election Administration, since the EAC has yet to commence operations.

Section 303 (d)(1)(B) of HAVA provides that a State may acquire a waiver until January 1, 2006 if it can show good cause that it will not meet the January 1, 2004 deadline for implementing the computerized statewide voter registration database. The reasons that a waiver is necessary for Missouri are as follows:

1. Lack of funding. Missouri has received only a small portion of the federal funds promised under HAVA. If full funding occurs, Missouri is entitled to receive approximately \$76.5 million. To date, Missouri has received only \$17 million, all Title I money. Of that total, approximately \$12 million is

2. earmarked for the punch-card replacement program, so only \$5 million is available to fund the many other activities required by HAVA, such as the centralized database, accessible voting machines for each precinct, and voter and poll worker education programs. As set out in Section 6 of Missouri's State Plan, we estimate that a statewide database will cost approximately \$10 million, and we plan to use a combination of Title I, Title II, and state funds to purchase and implement the database. More federal funding is expected, but given that we have received only \$5 million of Title I funds that is available to spend on the database, and we have received no Title II money, Missouri does not have the funding at present to implement the database by January 1, 2004.
3. Social Security Administration Not Ready for the January 1, 2004 Deadline. HAVA requires state motor vehicle authorities to enter into an agreement with the Social Security Administration (SSA) to verify the accuracy of voter registration applications that have the last four digits of the social security number as the voter identification number. SSA is required to search its records to verify the accuracy of the information and match the individual with his or her social security number. SSA has informed the National Association of Secretaries of State (NASS) that it will not be ready to implement this program until August 2004. Due to this delay that is beyond our control, Missouri cannot proceed with a HAVA-compliant statewide voter registration database by January 1, 2004.
4. State Law Requires the Secretary of State to Utilize a Competitive Bidding Process. As a statewide elected official, the Secretary of State must adhere to state law governing procurement and purchasing of goods and services. The Secretary of State must follow a very formalized and competitive bidding process which takes time. While my Office has begun this process, it will not be completed in time to meet the January 1, 2004 deadline.

Despite these circumstances, Missouri is moving forward with plans to implement the database. As mentioned above, this Fall my office issued a comprehensive Request for Proposal (RFP) to initiate the competitive bid process for a statewide voter registration database. Five vendors have submitted proposals, which are currently under evaluation. My goal is to have a HAVA-compliant statewide voter registration database in place as soon as possible, but in any event, the database will be in place prior to January 1, 2006.

Please feel free to contact me if you have any questions.

Sincerely,



Matt Blunt

MB/TMJ/sf



**FAXED**  
12-11-03  
9:40 AM  
**COPY**

OFFICE OF THE SECRETARY OF STATE  
STATE OF MISSOURI  
JEFFERSON CITY  
65101

MATT BLUNT  
SECRETARY OF STATE

STATE CAPITOL  
ROOM 208  
(573) 751-2379

VIA FACSIMILE (202-501-1124) AND OVERNIGHT MAIL

December 10, 2003

Honorable Steven Perry  
Administrator  
U.S. General Services Administration  
1800 F. Street, N.W.  
Washington, D.C. 20405

Re: Punch Card Replacement Waiver

Dear Mr. Perry:

As Missouri's chief state election official responsible for the administration and coordination of State responsibilities pursuant to the Help America Vote Act of 2002 (HAVA), I am writing to certify that Missouri, for good cause as described below, will not be able to replace all of its punch card voting equipment by the November 2004 election as provided in Section 102 of HAVA, and therefore requires a waiver until the first election for federal office after January 1, 2006.

Section 102 (a)(3)(B) of HAVA provides that a State may acquire a waiver until the first election for federal office after January 1, 2006, if it can show a good cause for not meeting the November 2004 deadline. The reasons that a waiver is necessary for Missouri are as follows:

1. Security Concerns. Many new voting technologies have yet to be fully tested. A recent study by computer scientists at John Hopkins and Rice Universities identified security flaws in certain electronic voting systems. A growing number of computer scientists have serious doubts about the security of this new voting technology. In fact, an amendment to HAVA currently pending in Congress would, if passed, require a voter verified paper trail, thus rendering obsolete many electronic voting systems currently in use. Many vendors of electronic voting machines are working on adding a voter verifiable paper trail capability to their systems, but many of these are not yet available. Until these security issues have been addressed and resolved, it makes no sense to invest in costly new equipment.

2. Lack of Standards. HAVA establishes a new Election Assistance Commission (EAC) to oversee election reform. The EAC's duties include developing voting system standards and providing for testing and certification of voting systems by accredited laboratories. To date, the EAC has not commenced operations, so it has not had a chance to develop any standards. Missouri law requires that all new electronic voting systems certified by the Secretary of State must pass certification by an Independent Test Authority (ITA) and that the systems meet standards developed by the Federal Election Commission or the EAC. Missouri believes that it should delay purchasing new equipment until the EAC has developed the voting system standards, and such equipment has been certified to the new standards by an ITA.
3. Lack of Funds. Missouri has received approximately \$12 million of HAVA funds for punch card replacement. This comes to approximately \$3,192 per precinct, which is not adequate funding to replace all punch card voting machines in Missouri. More time is needed to allow local jurisdictions and the State to come up with additional funding to replace all punch card machines.
4. More Time Needed for Education and Training. States that have purchased electronic voting systems have learned that extensive education and training of voters and poll workers is necessary to make sure that the voting process runs smoothly at the polls on election day. Much of this education and training is specific to the type of voting machines purchased. Voters and poll workers need time to learn how to set up, use, and maintain this new technology. Given that much of the education and training cannot begin until after the new machines are purchased, and given that Missouri will not be in a position to begin such training and education until the new technology that meets the new EAC standards is certified, a waiver is necessary.

Missouri will ensure that all of the punch card voting systems in the qualifying precincts within the State will be replaced in time for the first election for federal office held after January 1, 2006.

Please feel free to contact me if you have any questions.

Sincerely,



Matt Blunt

MB/TMJ/sf





GSA Office of the Chief Financial Officer

FEB 3 2004

The Honorable Matt Blunt  
The Secretary of State of Missouri  
Jefferson City, MO 65101

Dear Mr. Secretary:

Thank you for your letter, dated December 10, 2003, certifying that your State would not meet the deadline of replacing all punch card voting systems by the November 2004 general election, and asking for a waiver of the November 2004 deadline under Section 102(a)(3)(B) of the Help America Vote Act. Your request for a waiver of the deadline is approved, and the State shall ensure that all of the punch card voting systems in the qualifying precincts within the State shall be replaced in time for the first election for Federal office held after January 1, 2006.

Your State will still be responsible for reporting to the General Services Administration in the manner outlined in our letter of July 28, 2003. The only change will be the extension of the deadline for replacement of the punch card voting systems. If you have any questions or comments, please feel free to contact Stephen J. Kulenguski at (202) 501-4496.

Sincerely,

A handwritten signature in cursive script, reading "Deborah J. Schilling".

Deborah J. Schilling  
Director of Budget

cc:  
The Honorable Bob Holden  
Governor of Missouri  
Jefferson City, MO 65101

U.S. General Services Administration  
1800 F Street, NW  
Washington, DC 20405-0002  
[www.gsa.gov](http://www.gsa.gov)

## **Election Assistance Commission (Title II)**

Title II of the bill establishes a four-member “Election Assistance Commission (EAC).” Members are appointed by the President with Senate approval. Commission duties include the following:

- maintaining a clearinghouse of information for the compilation of information and the review of procedures for the administration of election procedures, including the testing and certification of election equipment;
- administering voluntary guidelines for election requirements under the act; and
- administering the Election Assistance Program and the Help America Vote Program as established under the act.

The commission is authorized to hold hearings, request information from federal agencies, use postal services, and contract with private groups and federal agencies.

Boards and commissions established under the Assistance Commission include:

- an Election Assistance Commission Standards Board composed of 110 state and local officials;
- an Election Assistance Board of Advisors composed of 37 members representing state and local groups, including two members appointed by the National Governors Association; and
- a Technical Guidelines Development Committee composed of members of the Standards Board, the Board of Advisors, and other groups.

Boards and commissions develop and approve voluntary guidelines for the improvement of election administration. All recommendations must be adopted by the Election Assistance Commission.

## **Election Assistance Grants (Titles II and III)**

The Election Assistance Commission is required to make election assistance “requirements payments” to states. Appropriations authorized under this section include \$1.4 billion for fiscal year (FY) 2003, \$1 billion for FY 2004, and \$600 million for FY 2005.

As in Title I of the act, funds are allocated according to a formula equal to the voting age population of each state divided by the total voting age population of all states with a guaranteed minimum payment equal to one-half of 1 percent of the total appropriation for each year.

**State Election Reform Plan.** To receive funding, the Governor of each state must submit to the commission a self-certified plan developed by state and local officials and private citizens describing how each state will:

- improve election administration procedures;
- provide for voter education;
- distribute funds;
- establish a state election fund, as required under the act;
- allocate federal funds;
- avoid supplantation of state funds with federal funding;
- adopt performance goals and measures;
- adopt complaint procedures, as required under the act;
- manage funds under Title I of the act for election administration improvements;
- manage the plan; and
- address plan changes from previous fiscal year.

Each state must also provide a description of the planning committee.

The state plan must be submitted for public notice and comment at least 30 days prior to the plan's submission. States are not subject to suit for provisions contained in the plan (safe harbor), except for criminal acts or omissions. States that fail to submit a plan must receive approval from the U.S. Attorney General that it meets the requirements of the act or self-certify to the commission that the state meets the act's requirements.

**Other Requirements.** In addition to submission of the state plan, to receive funding each state must self-certify that the state:

- has developed a plan for implementing complaint procedures, as required under the act;
- is in compliance with other federal election laws;
- will not use funds for purposes inconsistent with the act; and
- has appropriated state funds equal to 5 percent of the federal funds received under the act (5 percent match).

States are required to establish an "election fund" consisting of federal funds and state funds appropriated under the act. If state legislation is required to establish the fund, the commission will defer disbursement of the federal funds until the election fund is created.

States may use a requirements payment as reimbursement for the replacement of voting equipment obtained after the November 2000 election. In the case of a multi-year contract for the replacement of voting equipment, states may use requirements payments for voting equipment obtained on or after January 1, 2001 except that the amount the state is required to contribute under state "maintenance of efforts" requirements must be increased proportionally. (Maintenance of efforts requirements: the bill requires that, when using requirements payments, state expenditures for election reform activities be maintained at a level equal to funding prior to November 2000.)

### **Grants to Ensure Access for the Disabled (Title II)**

The U.S. Secretary of Health and Human Services is authorized to administer grants to state and local governments to make polling places accessible to the disabled, including the blind and visually impaired. Grants also may be used to provide information about the accessibility of polling places.

Payments are to be made no later than six months after the act's enactment. Authorized appropriations are as follows:

- \$50 million for FY 2003;
- \$25 million for FY 2004; and
- \$25 million for FY 2005.

If appropriated, funds will remain available until expended without fiscal year limitation.

To receive funding under this section, a state or locality must submit an application to the secretary describing the following:

- activities for which assistance is sought; and
- additional information as the secretary determines is necessary.

States must submit a report to the secretary not later than six months after the end of each fiscal year on the activities conducted with the funds.

## **Other Grant Programs (Title II)**

**Administered by the Election Assistance Commission.** The following grants are administered by the Election Assistance Commission:

- \$20 million authorized for FY 2003 on voting technology improvements;
- \$10 million authorized for FY 2003 for pilot programs for the testing of voting equipment and technology; and
- \$200 thousand for FY 2003 to the National Student and Parent Mock Election Organization.

**Administered By the U.S. Secretary of Health and Human Services.** The following grant is administered by the U.S. Secretary of Health and Human Services:

- \$10 million authorized for FY 2003, FY 2004, FY 2005, and FY 2006 for protection and advocacy systems of each state to ensure full participation for the disabled in the electoral process.

## **Uniform and Non-Discriminatory Election Technology and Administration Requirements (Title III)**

### **State Voting System Standards Required Under the Act**

- The voter must be permitted to verify his or her ballot before the ballot is cast.
- The voter must be provided the opportunity to change his or her ballot before the ballot is cast.
- The voter must be notified before the ballot is cast if more than one candidate for a single office has been selected and the voter must be provided an opportunity to correct the ballot. States using paper ballots, punch cards, or mail-in ballots may meet this requirement by establishing a voter education program notifying the voter of the effect of casting multiple votes for an office and providing voters with instructions on how to correct a ballot.
- The system must have manual audit capacity, including a permanent paper record.
- The system must be accessible to the disabled.
- The system must provide alternative language accessibility.
- The system must comply with Federal Election Commission error rate standards in effect on the date of the act's enactment.
- Each state must adopt uniform and nondiscriminatory standards defining what constitutes a vote and what will be counted as a vote.

States must meet these requirements by January 1, 2006.

***States are not prohibited from using a particular type of voting system used in the November 2000 election as long as the system meets the act's requirements.***

**Provisional Voting and Voting Information Requirements.** States must enact provisional voting laws by January 1, 2004. Voters are required to sign a written affirmation that he or she is a registered voter and is eligible to vote in the election. A state or local election official must then verify the ballot. The state must provide written notice to the voter through a free access system (toll free telephone or Internet) that the ballot was or was not counted and, if not, why the ballot was not counted.

States also must post voting information at each polling place including:

- a sample ballot;
- voting instructions, including provisional voting instructions;
- mail-in and first-time voting instructions;
- voting rights information; and
- state and federal voting fraud laws.

Individuals voting after poll closing pursuant to a federal or state court order issued under state law in effect ten days or more before the date of the election must cast a provisional ballot.

Provisional voting requirements under the act become effective January 1, 2004.

**Computerized Statewide Voter Registration List.** Each state election official (Secretary of State) must establish a single, uniform, official, centralized, interactive computerized statewide voter registration list of every legally registered voter in the state. The list must assign a unique identifier to each voter and must meet the following requirements:

- be the single system in the state for storing and managing the list of registered voters;
- be coordinated with other state agencies and state databases;
- be immediately accessible by state and local election officials; and
- serve as the official voter registration list for federal elections.

The chief state election official (Secretary of State) is required to support local officials in expeditiously entering data into the database.

Each state must maintain the list by:

- removing ineligible voters and the deceased;
- providing adequate security measures to prevent unauthorized access to the list; and
- updating the database, including providing safeguards against removing eligible voters from the list.

States must comply with these requirements by January 1, 2004. States may, for good cause, self certify that additional time is needed and seek a waiver until January 1, 2006. These requirements do not apply to North Dakota, the one state in which there were no voter registration requirements as of the act's enactment.

### **Anti-Fraud and Voter Identification Procedures (Title III)**

**Verification of Voter Registration.** Individuals registering to vote must provide a driver's license number or the last four digits of his or her social security number when registering to vote. (If an applicant has neither form of identification, the state must assign a voter registration number.) A state election official and the state motor vehicle authority must then match the information in the voter registration database with information in the motor vehicle database. The state motor vehicle authority and the Social Security Administration also are required to enter into an agreement verifying the accuracy of the voter registration information. (Current law requires all drivers' license applicants to provide a Social Security Number.)

**Mail-in Registration.** For first-time voters registering by mail, each state must require the individual to provide photo identification, or a copy of a utility bill, bank statement, government check, paycheck, or other government document showing the name and address of the applicant. Identification must be provided when registering, when voting, or must accompany a mail-in ballot.

States are required to comply with mail-in registration requirements by January 1, 2004. Individuals registering to vote by mail must submit the required identification beginning in January 1, 2003.

An individual who desires to vote by mail or in person who does not meet the above requirements may cast a provisional ballot.

#### **Enforcement Procedures (Title IV)**

**U.S. Department of Justice.** The U.S. Attorney General is authorized to bring a civil action, seeking declaratory or injunctive relief, against any state that fails to meet the technology and administration requirements under Title III of the act.

**State-Based Administrative Complaint Procedures.** States are required to establish administrative complaint procedures. Any state receiving federal funds under the act is required to establish these procedures. A state not receiving funds under the act must certify to the Election Assistance Commission that it meets these requirements. State complaint procedures must follow the provisions listed below.

- The procedures must be uniform and nondiscriminatory.
- Any person must be able to file a complaint.
- Complaints may be consolidated by the state.
- A hearing on the record must be provided upon request.
- Each state may determine the appropriate remedy.
- The state must publish the result of the proceedings if no violation is found.
- The state must render a final decision within 90 days of filing, unless the complainant consents to an extension.
- If the state fails to meet the 90 day deadline, the complaint must be resolved under an alternative dispute resolution process.

***Non-participating states (states not receiving or applying for federal funds) must submit a plan by January 1, 2004 to the U.S. Attorney General ensuring compliance with the act's requirements and must receive approval by the Attorney General of the state plan.***

#### **Voting Rights of Military Members and Overseas Citizens**

Each state must designate a state office to be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used for absent uniformed services voters and overseas voters.

States must report to the commission the number of absentee ballots transmitted to overseas voters and uniformed service voters and the number of ballots returned by these voters.

States may not refuse to accept or process valid voter registration applications or absentee ballot applications submitted by uniformed services voters on the grounds that the voter submitted the application before the first date on which the state otherwise accepts applications submitted by non-service members. This provision becomes effective January 1, 2004.

11/12/02



# SUPREME COURT OF MISSOURI

en banc

DUPLICATE  
OF FILING ON

OCT 16 2006

IN OFFICE OF  
CLERK SUPREME COURT

Kathleen Weinschenk, et al.,  
Respondents,

v.

No. SC88039

State of Missouri,

Appellant,

Robin Carnahan, Secretary of State,  
Respondent,

Dale Morris and Senator Delbert Scott,  
Intervenors-Appellants.

APPEAL FROM THE CIRCUIT COURT OF COLE COUNTY  
The Honorable Richard G. Callahan, Judge

## PER CURIAM

After a 2006 statute was enacted requiring registered voters to present certain types of state- or federally-issued photographic identification in order to cast regular ballots, Ms. Kathleen Weinschenk and others sued the state to block enforcement of the law on the grounds that it interfered with the fundamental right to vote as protected by the Missouri and United States constitutions. Ms. Weinschenk and the others claimed that the new law required them and other voters – particularly those who are low-income, disabled or elderly and who do not have driver's licenses – to spend money to obtain the necessary documents such as birth certificates in order to obtain the requisite photo ID.



The trial court declared the law unconstitutional.

The State of Missouri and Intervenors Dale Morris and Senator Delbert Scott (collectively "Appellants"),<sup>1</sup> appeal the trial court's holding that the portion of Senate Bill 1014 ("SB 1014") requiring presentation of certain forms of photographic identification ("photo ID") to vote is unconstitutional because it violates Missourians' rights to vote and to equal protection of the laws. These rights are at the core of Missouri's constitution and, hence, receive state constitutional protections even more extensive than those provided by the federal constitution. The trial court so held because it found that those portions of SB 1014, which now are found at Section 115.427, *2006 Mo. Laws 728-32*,<sup>2</sup> ("Photo-ID Requirement") unnecessarily burden the right to vote of Missourians who are properly registered but are nonetheless barred from voting at their designated voting precinct (or permitted to vote only provisionally) because they do not have one of the limited types of identifying documents required by SB 1014 to exercise their right of suffrage.

This Court agrees that SB 1014's Photo-ID Requirement violates Missouri's equal protection clause, *Mo. Const. art. I, sec. 2*, and Missouri's constitutional guarantee of the right of its qualified, registered citizens to vote. *Mo. Const. art. I, sec. 25; art. VIII, sec.*

2. While this Court fully agrees with Appellants that there is a compelling state interest

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<sup>1</sup> Plaintiffs filed a petition against the State of Missouri and Secretary of State Robin Carnahan (who appears on appeal as a Respondent) seeking a declaratory judgment that SB 1014 was unconstitutional. Dale Morris and Senator Delbert Scott were granted permission to intervene. The Court compliments all counsel and the trial court for their excellent analyses of the complex legal issues here presented in the short time available to them.

<sup>2</sup> Unless otherwise noted, references to section 115.427 are to *2006 Mo. Laws 728-32*.



in preventing voter fraud, the evidence supports the trial court's conclusion that the Photo-ID Requirement is not narrowly tailored to accomplish that purpose.

Witnesses in the trial court did testify to past instances of fraud in the form of absentee ballot and registration fraud. But, as Appellants acknowledge, the Photo-ID Requirement is intended to prevent only impersonation of a registered voter and will not affect absentee ballot or registration fraud. The evidence below shows, however, that our legislature has already eliminated the opportunity to commit voter impersonation fraud with the enactment of the precautions it adopted in response to the federal *Help America Vote Act* ("*HAVA*") in 2002.<sup>3</sup> In fact, the only specific instance of possible fraud that has occurred since 2002 of which the witnesses were aware involved an attempt (whether intentional or accidental is not clear) by a person who had voted absentee to then vote in person. This conduct would not be affected by SB 1014 and was discovered and prevented prior to the implementation of the Photo-ID Requirement.

Appellants argue that the Photo-ID Requirement nonetheless should remain in place because it will reassure voters who "perceive" that fraud exists. As there has been no reported case of voter impersonation fraud since the HAVA protections were put in place, however, this justification places too great an encumbrance on the right to vote of Missourians who cannot show the very specific and often costly to obtain photo IDs the statute requires.

The statute does provide an alternative identification procedure that will allow voters who lack one of the specified photo IDs to cast a provisional ballot in certain

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<sup>3</sup> Codified at *sec. 115.427, RSMo Supp. 2005.*

elections between now and November 2008, but these transitional provisions are not severable from the permanent provisions, so this Court need not decide the question of their constitutionality.

Accordingly, the trial court judgment enjoining enforcement of the Photo-ID Requirement of SB 1014, now section 115.427, is affirmed.

## ***I. FACTUAL AND PROCEDURAL BACKGROUND***

SB 1014's Photo-ID Requirement prohibits otherwise qualified and lawfully registered Missourians from voting if they present only out-of-state picture identification, social security cards, utility bills, school or work IDs, or other documents that served as proper identification under the version of section 115.427 in effect prior to the enactment of SB 1014.<sup>4</sup> *See sec. 115.427.1, RSMo Supp. 2005.* As amended by SB 1014, section 115.427 now requires that Missourians present as identification a document issued by the state or federal governments that contains the person's name as listed in the voter registration records, the person's photograph, and an expiration date showing that the ID is not expired. *Sec. 115.427.1.*<sup>5</sup> In practical effect, the only documents that most

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<sup>4</sup> Section 115.427 was amended in 2002 to add a requirement that "voters shall identify themselves by presenting a form of personal identification" from the list enumerated in the statute. *Sec. 115.427.1, RSMo Supp. 2005.* Prior to this amendment, state law did not generally require Missouri voters to present any identification in order to vote. The 2002 amendment brought Missouri into compliance with the Help America Vote Act ("HAVA"), passed by Congress in 2002. The list of acceptable forms of identification included in Missouri's pre-2006 statutes are drawn directly from HAVA. *See Help America Vote Act, Pub. L. No. 107-252, 116 Stat. 1666.*

<sup>5</sup> SB 1014 also contains transitional provisions that would allow voters who lack the requisite photo ID to cast provisional ballots through November 1, 2008. *Sec. 115.427.13.* The transitional provisions, discussed in the dissent, will be addressed in section III below.

Missourians would have that could meet these requirements are a Missouri driver's or non-driver's license or a United States passport.<sup>6</sup>

The record below reveals that between 3 and 4 percent of Missouri citizens lack the requisite photo ID and would, thus, need to obtain a driver's or non-driver's license or a passport in order to vote. Specifically, the trial court noted that the Secretary of State's analysis in August 2006 estimated that approximately 240,000 registered voters may not have the required photo ID and that the Department of Revenue's estimate of the same was approximately 169,215 individuals. Each of these forms of ID, however, normally costs money to obtain. This presents a practical problem for Missourians who will be discouraged from attempting to vote because of their concern that they must pay a fee to do so. It also presents a legal problem in that the United States Supreme Court held in *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), that any tax or fee imposed on the right to vote presents an undue burden on the exercise of that right. As the high court stated, wealth or payment of money should have no relation to the free exercise of the right to vote. *Harper*, 383 U.S. at 668 ("To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor").

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<sup>6</sup> Under SB 1014, armed forces photo IDs, other United States-issued photo IDs, and other unspecified Missouri-issued photo IDs would also suffice to permit the voter to obtain a ballot. *Sec. 115.427.1(3) & (4)*. As those types of IDs are neither generally available to the voting public nor specifically available to the individual plaintiffs in this case, the Court's analysis will be limited to the three types of photo IDs that are generally available to all.



The legislature provided that Missourians who lack a proper unexpired photo ID may obtain a Missouri non-driver's license free of charge. *Sec. 115.427.7*. To aid them in doing so, SB 1014 provides that "mobile processing units," at which these free non-driver's licenses can be obtained, will be made available upon request to "any disabled or elderly person otherwise competent to vote . . . [who is] physically unable to otherwise obtain" a non-driver's license. *Id.*

SB 1014 also provides a mechanism for waiving the Photo-ID Requirement for certain classes of persons who are otherwise registered and meet all of Missouri's constitutional qualifications to vote but, under SB 1014, nonetheless would be denied the right to vote for lack of a proper ID. Those persons can cast a "provisional ballot" if they sign an affidavit swearing that the reason they have no acceptable photo ID is that they are unable to obtain such identification because of a disability or handicap, because of a sincerely held religious belief, or because they were born on or before 1941. *Sec. 115.427.4*. Lack of funds or time to undertake the sometimes laborious process of obtaining a proper photo ID in situations in which a birth certificate is not easily available or in which a woman has changed her name since birth are not grounds for casting a provisional ballot under this provision.<sup>7</sup>

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<sup>7</sup> Simply being disabled, having a sincerely held religious belief, or being born before 1941 also is *not* enough to enable a qualified voter lacking appropriate photo ID to cast a provisional ballot. *Sec. 115.427.4*. Plaintiff Weinschenk testified below that for these reasons she could not honestly swear that *because of* one of these circumstances, she is *unable* to obtain the requisite photo ID, although to get one would be a serious burden. Swearing falsely that disability, religion or age is the reason for the lack of ID is a criminal offense. *Sec. 115.427.4* ("knowingly providing false information is a violation of law and subjects [voters] to possible criminal prosecution").

In addition, the provisional ballot will not be counted unless the signature on the affidavit matches the signature on file with the election authority. *Id.* An election official testified below that signatures may change over time or due to disability or age. Further, the trial court found that at least one of the individual plaintiffs in this case "is unable to make a consistent signature or mark, [and] therefore, her signature will not match the signature on her voter registration record." Nonetheless, no exception to the signature match requirement is made for Missourians who are unable, because of disability or age, to make a signature or whose signature has changed due to disability or the passage of time since they made their original signature when they initially registered to vote. Thus, such persons' provisional ballots will not be counted under the statute.<sup>8</sup>

Plaintiffs allege that the particular Photo-ID Requirement set out in SB 1014 (unlike the anti-fraud ID provisions required under HAVA and in effect in Missouri from 2002 until SB 1014 became effective) does not pass constitutional scrutiny on a multitude

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<sup>8</sup> Section 115.427.12, which the dissent suggests the majority misconstrues, by its terms, only regulates the signature or mark that must be made on the precinct register when the voter appears at the polling place to vote. An additional signature or mark must be made on the provisional ballot that is cast either pursuant to section 115.427.3 or section 115.427.13. In order for the provisional ballot to be counted, it is that second signature or mark that must be verified "by comparing that individual's signature to the signature on file with the election authority." *Sec. 115.427.3; sec. 115.427.13.* The opportunity to make a mark in lieu of a signature, either on the precinct register or on the provisional ballot, makes no difference to those voters like Plaintiff Weinschenk, who uses a mark in lieu of a signature "but it's never the same." Under this statute, they are never entitled to cast a regular ballot and their provisional ballots, due to the signature match requirement, can never be counted. In light of this Court's holding on the Photo-ID Requirement, it need not separately evaluate the constitutionality of the signature match requirement. This Court is confident the legislature can find the means to address the problem this requirement presents for Missouri's disabled and aged citizens.



of grounds.<sup>9</sup> The trial court agreed that Plaintiffs established the unconstitutionality of SB 1014 on three grounds relating to the burdens the law imposes on Missourians' free exercise of their right to vote as set out in the Missouri Constitution.<sup>10</sup>

More specifically, the trial court agreed with Plaintiffs that, while on its face the Photo-ID Requirement appears to permit Missourians without an acceptable photo ID to obtain one without cost, in reality it does not do so because the Photo-ID Requirement of SB 1014 must be read together with the requirements of the *Federal REAL ID Act of 2005, Pub. L. 109-13, Title II*. That federal act does not permit Missouri to issue "free" non-driver's licenses to its citizens unless applicants first present identification such as a United States passport or birth certificate. *Id.*; see also 12 CSR 10-24.448.

Both passports and birth certificates are themselves costly. In fact, the record reveals that Missouri charges \$15 to provide the certified, embossed copy of a birth certificate required by the *Federal REAL ID Act* to obtain a non-driver's license.

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<sup>9</sup> Plaintiffs argued in the trial court that SB 1014 violates the Missouri Constitution in that the Photo-ID Requirement (1) impermissibly adds additional qualification to vote in violation of *article VIII, section 2*; (2) interferes with free exercise of the right to vote in violation of *article I, section 25*; (3) violates Missouri's due process and equal protection clauses by requiring the payment of money to vote and by imposing an undue burden on the fundamental right to vote that is not narrowly tailored to meet a compelling state interest; and (4) violates the equal protection clause by having a disparate impact on registered voters in suspect classes and by improperly discriminating between in-person voters and absentee voters.

<sup>10</sup> Plaintiffs also alleged, and the trial court found, that the cost of providing provisional ballots and other costs that municipalities were required to fund under SB 1014, imposes new mandates on local governments without appropriating state funds to cover the increased costs in violation of the *Hancock Amendment, article X, section 21*. The trial court nonetheless entered judgment on this issue in favor of Defendants because it was unclear whether it could grant statewide relief on this ground. Defendant-Appellants are, thus, not aggrieved by the trial court's dicta on this issue, and Plaintiffs have not appealed it. Therefore, this Court does not further address the Hancock issue.

Missourians born in other states must pay fees ranging from \$5 to \$30 to obtain official copies of their birth certificates. A passport is even more expensive. The record reveals that a person born in the United States who wishes to obtain a United States passport must pay between \$97 and \$236, depending on the speed with which one may need the passport. For a person born outside the country, the cost of a passport may be higher due to the cost of additional documents needed as proof of citizenship or naturalization.<sup>11</sup>

Furthermore, the record shows that if a voter's name has changed, he or she must supply additional documentation to obtain one of the requisite photo IDs.<sup>12</sup> Names change for a myriad of reasons in our society: women often follow the social custom of taking their husband's name upon marriage; in the event of a divorce, women occasionally revert to using their maiden name; certain individuals choose to change their name for personal or political reasons; still others experience a name change when their parents' marital status changes subsequent to birth. All those citizens who lack a proper

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<sup>11</sup> Moreover, it is difficult, though not impossible, to obtain a United States passport without a birth certificate, yet many Missourians, particularly those born at home, do not have birth certificates. In the absence of a birth certificate, to obtain a United States passport, voters must provide the Department of State with: (1) a "Letter of No Record" from the state of their birth indicating that the state has searched and has no record of their birth; and (2) as many public records as they can muster from the first five years of their life showing their date *and* place of birth (e.g., baptismal, hospital, school, census records); and/or (3) a notarized affidavit of birth from an older blood relative with personal knowledge of their birth.

<sup>12</sup> Unlike the birth certificate and passport requirements, which would only impact those voters who do not currently have valid photo ID, the name change burdens could also affect those voters who have one of the SB 1014-approved forms of ID, but whose names have changed between the time the ID was issued and the time they register to vote. Under SB 1014, if a valid photo ID does not match a voter's registered name, the voter must obtain a new photo ID in order to vote and, therefore, undertake the additional steps necessary to provide proof of name change.



photo ID and whose names have changed from the time they received their birth certificate (or their passport) must obtain additional documentation of the name change (e.g., certified marriage certificate, certified divorce decree, amended birth certificate) to obtain an ID that comports with the requirements of SB 1014. This additional documentation requires the payment of further fees. For example, the cost of a certified copy of a marriage license ranges from \$5 to \$30.

The trial court also noted that, in addition to the monetary costs imposed on persons seeking to obtain the proper photo ID, the process to do so imposes additional practical costs, including navigating state and/or federal bureaucracies, and travel to and from the Department of Revenue and other government agencies. One of these practical costs is the time it takes to receive the appropriate documentation. In Missouri, the waiting period for a birth certificate alone is six to eight weeks. In Louisiana, the birthplace of many Katrina refugees who have taken shelter in Missouri, the processing period is eight to ten weeks. Should citizens need additional documents, the bureaucratic hurdles and waiting periods would increase.

Plaintiffs claim that for many of Missouri's qualified voters, including the poor, elderly and disabled, these hurdles to obtaining the proper photo ID are not insignificant. The trial court agreed, finding these concerns real rather than speculative based on evidence pertaining to the individual plaintiffs, all of whom are qualified Missouri voters who lack an acceptable photo ID and who would struggle or be unable to obtain one.

For example, Ms. Weinschenk testified that she does not currently have a birth certificate. She was born in Arkansas, where the fee to obtain a birth certificate is \$12.



Ms. Weinschenk has cerebral palsy. She testified that, although obtaining a proper photo ID is a substantial burden because of her disability, she is not "unable" to do so. But, even could she truthfully swear that her disability prevented her from obtaining the proper photo ID needed to vote, because her disability prevents her from making a consistent signature mark, her signature will not match the signature on her voter registration record. Thus, any provisional ballot she casts will not be counted.

The record also contains evidence regarding the situation of other plaintiffs. Mr. William Kottmeyer has limited mobility, making it difficult for him to gather the necessary documents to obtain a non-driver's license and to stand in line at the Department of Revenue. Mr. Robert Pund has a physical condition that requires him to arrange transportation to and from the Department of Revenue and to employ an attendant to assist him in order to obtain a non-driver's license. Ms. Amanda Mullaney was born in Kentucky, and her current name does not match the name on her birth certificate because her parents were not married at the time of her birth. Thus, to obtain the proper photo ID needed to vote, she will have to provide proof of her name change by means of either a certified court order or a certified amended birth certificate. Mr. Richard von Glahn unsuccessfully attempted to obtain a non-driver's license last June and was told that, since he was not over 65-years-old, the ID would cost him \$11. Additionally, Mr. von Glahn lacked a birth certificate, for which the state of his birth, Ohio, charges \$20. Ms. Maudie Mae Hughes was born in Mississippi, but the state has repeatedly informed her that it does not have any record of her birth, thereby compounding her difficulties in obtaining the photo ID necessary to vote in Missouri.

The trial court found the evidence pertaining to each of these plaintiffs to be credible. It also found credible testimony from five state and local Missouri election officials regarding the nature of voter fraud currently experienced in Missouri. These government officials, all of whom have been closely involved with Missouri elections in their official capacities and have many years of experience,<sup>13</sup> testified that voter impersonation fraud is not a problem in Missouri. For instance, Ms. Betsy Byers, the Co-Director of Elections for the Secretary of State's Office for the last five years, testified that, since 2000, she has not received any reports of voter impersonation fraud from anywhere in the state. During that same period, she received reports of absentee ballot fraud, but testified that the Photo-ID Requirement does not solve such problems.

Adding to the testimony of these government officials, Plaintiffs also presented exhibits indicating that voter impersonation fraud is not a problem in Missouri. In a letter to Governor Matt Blunt, Secretary of State Robin Carnahan echoed the sentiments of Ms. Byers, stating there is no evidence that voter impersonation fraud actually exists or that the Photo-ID Requirement would solve any existing problems in our elections system.

In addition, the record contains two letters written in 2004 by then-Secretary of

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<sup>13</sup> Mr. Carol Signaigo was the Assistant Director of Elections for the City of St. Louis for twelve years and, for the past seven years, has served as a consultant to the St. Louis City Election Board. Ms. Wendy Noren, now a Boone County Clerk, served for fifteen years on the legislative committee for the Association of Missouri State County Clerks and Election Authorities. Mr. Robert Nichols has been the Democratic Director of Elections for Jackson County Board of Election Commissioners for a little over twenty years. Ms. Judy Taylor has been the Democratic Director of Elections for St. Louis County for eight years. Ms. Betsy Byers was Deputy Secretary of State for Elections for two years and for the last five years has served as Co-Director of Elections for the Secretary of State's Office.

State Matt Blunt on the subject of voter fraud. He described Missouri's statewide elections in 2002 and 2004 to then-Governor Bob Holden as "two of the cleanest and problem free elections in recent history." To the St. Louis Post-Dispatch, Blunt characterized the same elections as "fraud-free."

While Appellants offered affidavits of persons who reached conclusions contrary to some of those offered by Plaintiffs' witnesses, the trial court found Plaintiffs' evidence and witnesses to be more credible, and this Court considers the record in the light most favorable to the judgment of the trial court. *Reddish v. Heartland Auto Plaza*, 197 S.W.3d 634, 636 (Mo. App. S.D. 2006).

Thus, this Court turns to the issue whether the Photo-ID Requirement of SB 1014 can withstand constitutional scrutiny despite the cost and other burdens the trial court found it placed on qualified Missouri voters. Whether a statute is unconstitutional is a question of law, the review of which is *de novo*. *Doe v. Phillips*, 194 S.W.3d 833, 841 (Mo. banc 2006). Because a statute is cloaked in a presumption of constitutionality, an appellate court may find the statute unconstitutional only if it clearly contravenes a specific constitutional provision. *State v. Kinder*, 89 S.W.3d 454, 459 (Mo. banc 2002). "Nonetheless, if a statute conflicts with a constitutional provision or provisions, this Court must hold the statute invalid." *Id.*

## **II. EQUAL PROTECTION ANALYSIS**

### **A. Framework for Evaluating an Equal Protection Clause Challenge.**

Both the United States and Missouri constitutions guarantee to their citizens the enjoyment of equal protection of the laws. *U.S. Const. amend. XIV, sec. 1* ("No state shall



... deny to any person within its jurisdiction the equal protection of the laws"); *Mo. Const. art. I, sec. 2* ("all persons . . . are entitled to equal rights and opportunity under the law"). Courts undertake a two-part analysis to determine the constitutionality of a statute under either the state or federal equal protection clause. The first step is to determine whether the statute implicates a suspect class or impinges upon a fundamental right explicitly or implicitly protected by the Constitution. *Etling v. Westport Heating & Cooling Sys., Inc.*, 92 S.W.3d 771, 744 (Mo. banc 2003); accord *Kadrmaz v. Dickinson Public Schools*, 487 U.S. 450, 457-58 (1988). "If so, the classification is subject to strict scrutiny." *Etling*, 92 S.W.3d at 774. If not, the classification will be subject to rational basis scrutiny. *Id.*

The second step is to apply the appropriate level of scrutiny to the challenged statute. In order to survive strict scrutiny, a limitation on a fundamental right must serve compelling state interests and must be narrowly tailored to meet those interests. *Komosa v. Komosa*, 939 S.W.2d 479, 482 (Mo. App. E.D. 1997) ("Any state restriction which significantly interferes with the exercise of a fundamental right is subject to strict scrutiny and cannot be upheld unless it is supported by sufficiently important state interests and is closely tailored to effectuate only those interests."). See also *Manifold v. Blunt*, 863 F.2d 1368, 1373 (8th Cir. 1988) ("The application of strict scrutiny for purposes of equal protection challenges . . . involves a two-part analysis: the restriction must be necessary to serve a compelling state interest, and may not go beyond what the state's interest actually requires.").

**B. *Voting is a Fundamental Right, Particularly under the Missouri Constitution.***

The Missouri Constitution expressly guarantees that "all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." *Mo. Const. art. I, sec. 25*. Additionally, rather than leaving the issue of voter qualification to the legislature, the Missouri Constitution has established an exclusive list of qualifications necessary to vote in Missouri. *Mo. Const. art. VIII, sec. 2* ("All citizens of the United States . . . over the age of eighteen who are residents of this state and of the political subdivision in which they offer to vote are entitled to vote at all elections by the people, if . . . they are registered within the time prescribed by law"). These constitutional provisions establish with unmistakable clarity that the right to vote is fundamental to Missouri citizens.<sup>14</sup>

The express constitutional protection of the right to vote differentiates the Missouri constitution from its federal counterpart. Federal courts also have consistently held that the right to vote is equally fundamental under the United States Constitution. *See, e.g., Reynolds v. Sims*, 377 U.S. 533, 555 (1964) ("The right to vote freely for the candidate of one's choice is of the essence of a democratic society"); *Wesberry v. Sanders*, 376 U.S. 1, 17-18 (1964) ("No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live"). But, the right to vote in state elections is conferred under federal

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<sup>14</sup> *See, e.g., United C.O.D. v. State*, 150 S.W.3d 311, 313 (Mo. banc 2004); *Etling*, 92 S.W.3d at 774; *Blaske v. Smith & Entozeroth, Inc.*, 821 S.W.2d 822, 829 (Mo. banc 1991); *Mullenix-St. Charles Properties, L.P. v. City of St. Charles*, 983 S.W.2d 550, 559 (Mo. App. E.D. 1998) (all recognizing that right to vote is fundamental in Missouri).

law only by implication, not by express guarantee. See *Harper v. Virginia State Bd. Elections*, 383 U.S. 663, 665 (1966) ("the right to vote in state elections is nowhere expressly mentioned" in the United States Constitution).

Moreover, the qualifications for voting under the federal system are left to legislative determination, not constitutionally enshrined, as they are in Missouri. Compare U.S. Const. art. I, sec. 2 (providing that "Electors" shall be equivalent to those for state positions) with Mo. Const. art. VIII, sec. 2 (establishing exclusive qualifications for voting in Missouri).<sup>15</sup> Compare also U.S. Const. amend. XV (protecting right to vote from abridgment "on account of race, color or previous condition of servitude") with Mo. Const. art. I, sec. 25 (protecting right to vote from all "power, civil or military" that "interferes to prevent the free exercise of the right of suffrage").

Due to the more expansive and concrete protections of the right to vote under the Missouri Constitution, voting rights are an area where our state constitution provides greater protection than its federal counterpart. See *California v. Ramos*, 463 U.S. 992, 1013-14 ("It is elementary that States are free to provide greater protections . . . than the [f]ederal Constitution requires."); *State v. Rushing*, 935 S.W.2d 30, 34 (Mo. banc 1996) ("Provisions of our state constitution may be construed to provide more expansive protections than comparable federal constitutional provisions."); *State ex rel. J.D.S. v.*

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<sup>15</sup> The trial court found that the Photo-ID Requirement amounted to an unconstitutional additional qualification for voting in violation of article VIII, section 2 of the Missouri Constitution. Appellants argue that it is not a qualification but necessarily agree that it is an additional showing that must be made in order to vote. Because it is not necessary to determine whether this requirement constitutes an additional "qualification," this Court does not finally resolve the issue.



*Edwards*, 574 S.W.2d 405, 409 (Mo. banc 1978) (holding that Missouri Constitution due process and equal protection clauses provide more protection than United States Constitution where United States Supreme Court precedent "dilute[s] these important rights").<sup>16</sup>

Of course, some regulation of the voting process is necessary to protect the right to vote itself. Such regulations are in place in all state and federal elections, and the Missouri Constitution further specifically delegates to the legislature the right to regulate registration. *Mo. Const. art. VIII, sec. 5*. In addition, many matters may tangentially affect voting, such as rules regarding who may run for office and how candidates are listed on ballots. For this reason, the extent of the burden this statute imposes on the right to vote must be evaluated before determining the level of scrutiny it will receive.

***C. SB 1014's Photo-ID Requirement Burdens Missourians' Fundamental Right to Vote.***

The record supports the trial court's determination that SB 1014's Photo-ID Requirement places a burden on the right of Missourians to vote. As set out at length above, it requires each of the individual plaintiffs in this case to present a Missouri driver's license, a Missouri non-driver's license, or a United States passport on election

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<sup>16</sup> See also *State ex rel. Amrine v. Roper*, 102 S.W.3d 541 (Mo. banc 2003) (holding that Missouri habeas corpus rights are broader than federal habeas corpus); *State v. Whitfield*, 107 S.W.3d 253, 267 (Mo. banc 2003) (providing standard for retroactive application of constitutional decisions in Missouri that differs from federal standard); *State v. Parker*, 836 S.W.2d 930, 942 (Mo. banc 1992) (noting that the Missouri Constitution provides more specific rights to jury service than the federal constitution so the "Missouri Constitution may require greater protection of the right") (Price, J., concurring); cf. *Doe*, 194 S.W.3d at 849 (construing Missouri's constitutional proscription on retrospective laws separately where there is no federal analogue).

day in order to vote. *Sec. 115.427.1*. The record reveals that between 3 and 4 percent of Missouri citizens (estimates vary from 169,215 to 240,000 individuals) lack the requisite photo ID. Appellants concede that many of these citizens, including all of the individual plaintiffs in this case, are eligible to vote and, in many cases, are already registered to vote. Nevertheless, under the new law these eligible registered voters will not be able to cast a regular ballot (or after 2008 any ballot at all) unless they undertake to obtain one of the requisite photo IDs. This will constitute a dramatic increase in provisional ballots over the previous law, as only 8,000 provisional ballots were cast statewide in the 2004 general election.<sup>17</sup> As conceded by Appellants, denial of the right to vote to these Missourians is more than a *de minimis* burden on their suffrage.<sup>18</sup>

It is to these citizens that the Court directs its attention, as it determines whether this statute places into jeopardy their ability to exercise their fundamental right to vote under article I, section 25 of the Missouri Constitution. To do so, the Court must examine the required processes for them to obtain a photo ID to determine the extent of the burden it imposes on their right to vote.

**1. SB 1014's Photo-ID Requirement requires payment of money to exercise the right to vote.**

Those citizens who do not possess the requisite photo ID, with few exceptions, must expend money to gather the necessary documentation to obtain it in order to exercise their right to vote. Appellants argue that because the documentation-related

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<sup>17</sup> Of these ballots, only 3,000 were counted.

<sup>18</sup> The outcome of innumerable past races could have been affected by the votes of 3 or 4 percent of Missourians.



expenses are one step removed from obtaining the photo ID, which itself is "free," those expenses should not be considered in this Court's analysis. The fact that Missouri has waived collection of costs normally charged to persons seeking a non-driver's license does not make that license "free" if Missourians without certified copies of birth certificates or passports must still expend sums of money to obtain the license. Many voters who presently lack one of the required photo IDs would have to, at the very least, expend money to obtain a birth certificate. In Missouri, obtaining a birth certificate requires at least a \$15 payment, which, Appellants conceded at oral argument, is not a *de minimis* cost. If the citizen requires documentation beyond a birth certificate, the costs are greater.

Although this Court has not previously had occasion to evaluate the validity of putting a direct or indirect price or fee on the franchise under the Missouri Constitution, the United States Supreme Court held, in the context of addressing a \$1.50 poll tax: "Wealth or fee-paying has . . . no relation to voting qualifications; the right to vote is too precious, too fundamental to be so burdened." *Harper*, 383 U.S. at 670. While requiring payment to obtain a birth certificate is not a poll tax, as was the \$1.50 in *Harper*, it is a fee that qualified, eligible, registered voters who lack an approved photo ID are required to pay in order to exercise their right to free suffrage under the Missouri Constitution.<sup>19</sup> *Harper* makes clear that all fees that impose financial burdens on eligible citizens' right

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<sup>19</sup> In the Indiana case upon which the State relies, the statute allowed indigent citizens who could not obtain free proof of identity to vote. See *Ind. Democratic Party v. Rokita*, No. 05-CV-0634-SEB-VSS, 2006 WL 1005037, at \*5 (S.D. Ind. Apr. 14, 2006); see also *Ind. Code Sect. 3-11.7-5-1*. The Missouri statute offers no such indigency exception.

to vote, not merely poll taxes, are impermissible under federal law. There can be no lesser requirement under Missouri law.

Appellants highlight that the federal courts in Indiana and Georgia each rejected claims that photo ID requirements constitute a poll tax, *see Common Cause/Georgia v. Billups*, 439 F. Supp. 2d 1294, 1355 (N.D. Ga. 2006); *Ind. Democratic Party v. Rokita*, No. 05-CV-0634-SEB-VSS, 2006 WL 1005037, at \*38 (S.D. Ind. Apr. 14, 2006), and urge this Court to do likewise.

This case stands in stark contrast to the Georgia and Indiana cases, for their decisions were largely based on those courts' findings that the parties had simply presented theoretical arguments and had failed to offer specific evidence of voters who were required to bear these costs in order to exercise their right to vote.<sup>20</sup> Plaintiffs in this case, on the other hand, offered testimony of specific Missouri voters who *will* have to incur the costs associated with birth certificates and other documentation to acquire a photo ID and vote. Specifically, Plaintiff Weinschenk will have to pay \$12 for her birth certificate; Plaintiff von Glahn, who was asked to pay \$11 for his "free" non-driver's license required to vote under the statute, will have to pay another \$20 for his birth certificate. Others, like Plaintiff Mullaney, may have to incur more substantial costs for additional documentation because their names have changed since their birth.

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<sup>20</sup> See *Ind. Democratic Party*, 2006 WL 1005037, at \*38 (plaintiffs "provided no evidence to demonstrate that anyone will actually be required to incur this cost to vote"); *Common Cause/Georgia v. Billups*, 439 F. Supp. 2d 1294, 1355 (N.D. Ga. 2006) (plaintiffs "failed to show that any particular voter would actually be required to incur that cost in order to vote").

Additionally, elections officials testified to the substantial number of other otherwise qualified Missouri voters who also must pay a fee in order to vote.

Based on this evidence, the trial court found that this cost was directly connected to Plaintiffs' exercise of the right to vote. The trial court also found that the citizens who currently lack the requisite photo ID are generally "the least equipped to bear the costs." For Missourians who live beneath the poverty line, the \$15 they must pay in order to obtain their birth certificates and vote is \$15 that they must subtract from their meager ability to feed, shelter, and clothe their families. The exercise of fundamental rights cannot be conditioned upon financial expense. *Cf. Griffin v. Illinois*, 351 U.S. 12, 16-19 (1956) (holding that due process and equal protection require that indigent defendants are entitled to pursue appeals without payment of costs). In this case, Plaintiffs proved that these costs must be incurred for citizens who lack the SB 1014 mandated photo IDs to exercise their right to vote.

**2. SB 1014's Photo-ID Requirement requires time and ability to navigate bureaucracies in order to vote.**

Persons who wish to vote who do not already have the requisite photo IDs must arrange to obtain them by presenting a birth certificate or passport and, if necessary, proof of name changes. To do so requires both funds and advance planning to allow for the six to eight weeks that the record shows it takes to obtain a Missouri birth certificate (which is more time than exists between the date of this decision and the next general election). Once the birth certificate is in hand, the voter must use it to obtain one of the requisite photo IDs. "This is plainly a cumbersome procedure." *Harman v. Forssenius*,



380 U.S. 528, 541 (1965) (holding that six-month advance registration to avoid poll tax unduly burdened the right to vote). Those things that require substantial planning in advance of an election to preserve the right to vote can tend to "eliminate from the franchise a substantial number of voters who did not plan so far ahead." *Id.* at 539-40.<sup>21</sup>

Evaluating a similar procedure mandated by the Georgia photo ID law (which was found to violate the federal constitution), a Georgia federal district court concluded that "many voters who are elderly, disabled, or have certain physical or mental problems simply cannot navigate that process or any long waits successfully." *Common Cause/Georgia*, 439 F. Supp. 2d at 1347.

As it will require payment of money and significant advance planning to obtain necessary documentation, the Photo-ID Requirement is an "onerous procedural requirement which effectively handicap[s] exercise of the franchise." *Lane v. Wilson*, 307 U.S. 268, 275 (1939).<sup>22</sup> It is undisputed that between 3 and 4 percent of the population, some 169,000 to 240,000 Missourians, and each of the individual plaintiffs here, currently do not possess the type of photo ID required by SB 1014 to obtain a regular ballot to vote. This Court agrees with the trial court that the Photo-ID Requirement of SB

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<sup>21</sup> Indeed, one of the motivating purposes of the Twenty-fourth Amendment to the United States Constitution (which prohibits poll taxes in federal elections) was that payment of poll taxes was often required far in advance of an election, so the lengthy advance planning resulted in an undue burden on the franchise. *Harman v. Forssenius*, 380 U.S. 528, 539-40 (1965).

<sup>22</sup> *Lane v. Wilson* interprets the Fifteenth Amendment to the United States Constitution, which specifically protects the right to vote from abridgement on the basis of "race, color or previous condition of servitude." Article I, section 25 of the Missouri Constitution affords greater protection to the right to vote in Missouri than the Fifteenth Amendment, so the Missouri Constitution must offer at least as much protection to our citizens as does the Fifteenth Amendment.

1014 represents a heavy and substantial burden on Missourians' free exercise of the right of suffrage.

***D. SB 1014's Photo-ID Requirement is Subject to Strict Scrutiny.***

In light of the substantial burden that the Photo-ID Requirement places upon the right to vote, the statute is subject to strict scrutiny. This is consistent with the past decisions of Missouri courts, which have uniformly applied strict scrutiny to statutes impinging upon the right to vote.<sup>23</sup>

Missouri election-law cases in which strict scrutiny was not applied simply recognize, as does this Court today, that reasonable regulation of the voting process and of registration procedures is necessary to protect the right to vote.<sup>24</sup> So long as those regulations do not impose a heavy burden on the right to vote, they will be upheld provided they are rationally related to a legitimate state interest. If the regulations place a heavy burden on the right to vote, as here, our constitution requires that they be subject to strict scrutiny.

Appellants' argument that this Court should not apply strict scrutiny but should apply a "flexible" test for examining voting restrictions such as that announced by the United States Supreme Court in *Burdick v. Takushi*, 504 U.S. 428 (1992), also is not

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<sup>23</sup> See, e.g. *United C.O.D.*, 150 S.W.3d at 313; *Etling*, 92 S.W.3d at 774; *Blaske*, 821 S.W.2d at 829; *Mullenix-St. Charles Properties, L.P.*, 983 S.W.2d at 559. While none of these cases involves violations of the fundamental right to vote, each notes that voting is a fundamental right, restrictions on which must survive strict scrutiny.

<sup>24</sup> See *State ex rel. McClellan v. Kirkpatrick*, 504 S.W.2d 83 (Mo. banc 1974); *Totton v. Murdock*, 482 S.W.2d 65 (Mo. banc 1972); *State ex rel. Dunn v. Coburn*, 168 S.W. 956 (Mo. 1914); *State ex rel. Kirkpatrick v. Bd. of Election Comm'n*, 686 S.W.2d 888 (Mo. App. W.D. 1985); *State ex rel. Bushmeyer v. Cahill*, 575 S.W.2d 229 (Mo. App. E.D. 1978).

persuasive. Here, the issue is constitutionality under Missouri's Constitution, not under the United States Constitution. Even under *Burdick's* "flexible" test, however, a court will "weigh the character and magnitude of the asserted injury to the rights protected . . . against the precise interests put forward by the State as justifications for the burden imposed by its rule, taking into consideration the extent to which those interests make it necessary to burden the plaintiff's rights." *Id. at 434*. When those rights are subject to "reasonable nondiscriminatory restrictions," rational basis scrutiny applies. *Id.* When those rights are subject to "severe restrictions," the Supreme Court has directed that strict scrutiny applies. *Id.* Because, here, the restrictions on the right to vote are severe, strict scrutiny would also adhere under the federal constitutional provision.

Several federal courts that have evaluated these types of burdens on the right to vote since *Burdick* are in accord that strict scrutiny must apply to direct burdens on the right to vote. See *Republican Party of Arkansas v. Faulkner County, Arkansas*, 49 F.3d 1289, 1298-99 (8th Cir. 1995) (applying strict scrutiny to Arkansas requirement that political parties conduct and pay for primary elections because such provisions had the effect of forcing "many voters who wish[ed] to vote in the Republican primary to vote either in the Democratic primary or not at all," thereby burdening "the ability of persons to exercise their right to vote for the person or persons of their choice."). <sup>25</sup>

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<sup>25</sup> See also *Greidinger v. Davis*, 988 F.2d 1344, 1354 (4th Cir. 1993) (applying strict scrutiny to Virginia's voter registration scheme because conditioning a voter's right to vote on the public disclosure of the voter's social security number is a severe burden); *Common Cause/Georgia*, 439 F. Supp. 2d at 1345-51 (applying strict scrutiny to Georgia's photo-ID requirements because the unlikelihood that many Georgia voters could obtain the appropriate ID in the short time before the next election imposed a



Applying strict scrutiny, the issues are whether the burden that SB 1014's Photo-ID Requirement places upon Missourians' fundamental right to vote serves a compelling state interest and whether it is necessary and narrowly tailored to accomplish that interest. *Komosa*, 939 S.W.2d at 482.

***E. Missouri has a Compelling Interest in Combating Election Fraud***

Missouri's broad interests in preserving the integrity of the election process and combating voter fraud are significant, compelling and important.

***F. SB 1014's Photo-ID Requirement is Not Necessary or Narrowly Tailored to Meeting the State's Compelling Interest in Preventing Impersonation Fraud at the Polling Place.***

Recognizing that the State does have compelling interests in preserving electoral integrity and combating voter fraud, the issue becomes whether the record shows that the type of Photo-ID Requirement enacted in SB 1014 "is necessary to accomplish a compelling state interest." *Etling*, 92 S.W.3d at 774. Because, for the reasons set out above, this Court has found that the Photo-ID Requirement imposes a severe burden on the right to vote, it can survive strict scrutiny only by showing it is necessary to

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severe burden on their right to vote); *Morgan v. City of Florissant*, 147 F.3d 772, 774 (8th Cir. 1998) (whereas laws providing for the drawing of state political subdivisions warrant "review for a rational basis," laws "involving the choice of legislative representatives or imposing restrictions on voters . . . affect[] more significant rights and constitutional concerns, meriting strict-scrutiny review").

Similar to the Missouri cases, federal courts have applied rational basis review to election-law cases that do not directly burden the right to vote. See *Burdick*, 504 U.S. at 434-39 (right to candidate ballot access); *ACORN v. Bysiewicz*, 413 F. Supp. 2d 119, 143-49 (D. Conn. 2003) (constitutionality of pre-election registration requirements); *Wexler v. Anderson*, 452 F.3d 1226, 1232 (11th Cir. 2006) (constitutionality of voting machine technology); *Weber v. Shelley*, 347 F.3d 1101, 1106-07 (9th Cir. 2003) (same). These cases are distinguishable because they do not involve direct and heavy burdens on the right to vote.

accomplish a compelling state interest or that it is "narrowly drawn to express the compelling state interest at stake." *In re Norton*, 123 S.W.3d at 173.

Yet, Appellants do not demonstrate that SB 1014's requirement of state or federally issued, non-expired photo IDs is strictly necessary or narrowly tailored to accomplish the State's asserted interests. To the contrary, Appellants concede that the only type of voter fraud that the Photo-ID Requirement prevents is in-person voter impersonation fraud at the polling place. It does not address absentee voting fraud or fraud in registration. While the Photo-ID Requirement may provide some additional protection against voter impersonation fraud, the evidence below demonstrates that the Photo-ID Requirement is not "necessary" to accomplish this goal. As the trial court found: "No evidence was presented that voter impersonation fraud exists to any substantial degree in Missouri. In fact, the evidence that was presented indicates that voter impersonation fraud is not a problem in Missouri."<sup>26</sup>

The only evidence that Appellants marshal of voter impersonation fraud occurred *prior* to the enactment of identification requirements in 2002. The 2002 identification law, enacted in response to the federal HAVA law, required voters to present some proof of identity or residence when they arrived at the polling place. The list of acceptable identification under the 2002 requirements is much broader than the three types of photo ID that SB 1014 allows and included a utility bill, bank statement, expired passport, out-

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<sup>26</sup> While the legislature need not address all evils at one time, *Adams Ford Belton, Inc. v. Missouri Motor Vehicle Comm'n*, 946 S.W.2d 199, 202 (Mo. banc 1997), whether a law is in fact narrowly tailored to address fraud in voting necessarily requires this Court to look at what kinds of fraud in voting have been shown to exist and what kinds of fraud in voting the Photo-ID Requirement will ameliorate.



of-state driver's license, and other commonly available documents of identification. *Sec. 115.427, RSMo Supp. 2005.*

Although Appellants protest that some of the approved identification documents under the 2002 law do not provide proof of eligibility to vote, neither does the Photo-ID Requirement. The Photo-ID Requirement assists in prevention of voter impersonation, but the evidence reveals that the 2002 requirements, which are much less restrictive on the right to vote, have been sufficient to prevent this type of fraud. These facts compel the conclusion that the Photo-ID Requirement is not "necessary to accomplish a compelling state interest."

The conclusion that the Photo-ID Requirement is not necessary to serve the State's asserted end should not be taken as an indication that the State's interest in combating voter fraud is insubstantial. Indeed, legislative efforts to combat the types of voter fraud and opportunities for voter fraud that persist in Missouri, such as absentee ballot fraud, voter intimidation, and inflated voter registration rolls, should be encouraged. Where the legislature places a heavy burden on the right to vote, however, the Missouri Constitution requires that the burden be justified by a compelling interest and the statute be narrowly tailored or necessary to accomplish the statutory goals. The Photo-ID Requirement could only prevent a particular type of voter fraud that the record does not show is occurring in Missouri, yet it would place a heavy burden on the free exercise of the franchise for many citizens of this State.<sup>27</sup>

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<sup>27</sup> The Court shares the dissent's concern with the persistence of fraud in voter registration and absentee balloting in Missouri. Unfortunately, the Photo-ID

Appellants also urge that the State has a compelling interest in combating perceptions of voter fraud. While the State does have an interest in combating those perceptions, where the fundamental rights of Missouri citizens are at stake, more than mere perception is required for their abridgement.<sup>28</sup> Perceptions are malleable. While it is agreed here that the State's concern about the perception of fraud is real, if this Court were to approve the placement of severe restrictions on Missourians' fundamental rights owing to the mere perception of a problem in this instance, then the tactic of shaping public misperception could be used in the future as a mechanism for further burdening

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Requirement does nothing to ameliorate those frauds. As the dissent notes, the Baker-Carter Commission report supports the general concept of a Photo-ID Requirement and the appropriate use of signature match. This Court also does not intend to suggest that no form of signature match can be constitutional or appropriate, but rather that the form utilized here presents problems that provide further support for its determination that section 115.427 is invalid. The Court notes that, although former President Carter, co-author of the commission report, did not specifically criticize SB 1014's signature match requirement, he did state that SB 1014 does not meet commission standards.

<sup>28</sup> Appellants cite to First Amendment cases addressing campaign finance restrictions to support their contention that the perception of fraud or corruption should be entitled to greater weight. *See, e.g., McConnell v. Federal Election Comm'n*, 540 U.S. 93, 143 (2003) ("the prevention of corruption or its appearance constitutes a sufficiently important interest"). In the context of campaign finance reform, the appearance of corruption arises directly from the extensive financial contributions made to political candidates by those with a stake in legislative decisions. The statutes under review in campaign finance cases are all narrowly tailored to address and limit those contributions. Even though the United States Supreme Court has recognized the importance of combating the appearance of corruption, it has nonetheless invalidated many of these statutes precisely because they impose a severe and undue burden on fundamental rights under the First Amendment. *See, e.g., Randall v. Sorrell*, — U.S. —, 126 S. Ct. 2479, 2486 (2006) (holding that campaign finance restrictions are unconstitutional because "they impose burdens upon First Amendment interests that . . . are disproportionately severe"). Unlike the campaign finance laws, the Photo-ID Requirement does not address any perception of voter fraud with precision, nor is it necessary to solve the existing voter fraud problems. On these facts, perceptions alone are insufficient to justify substantial burdens on fundamental rights.

the right to vote or other fundamental rights. Moreover, the public could believe that the new law has prevented fraud in Missouri elections, whereas the type of fraud that has been shown to exist – fraud in registration and in absentee ballots – is not addressed by the Photo-ID Requirement and may still need resolution. *See Jo Mannies, Suspect Voter Cards Found, St. Louis Post-Dispatch, Oct. 11, 2006, at A1.* The protection of our most precious state constitutional rights must not founder in the tumultuous tides of public misperception.

For these reasons, this Court holds that the Photo-ID Requirement violates the equal protection clause of the *Missouri Constitution, article I, section 2.*

### **III. SEVERABILITY**

Recognizing that it will take time for many Missouri voters to obtain the photo ID required under SB 1014, the legislature enacted a transitional provision that allows voters who lack the requisite photo ID to cast a provisional ballot in certain elections between now and November 2008.<sup>29</sup> During this transitional period, an otherwise qualified voter who lacks the requisite photo ID can cast a provisional ballot after presenting one of the many forms of identification that could be presented under the previous version of section 115.427. *Sec. 115.247.13.* As with the provisional ballots cast under the exception to the Photo-ID Requirement discussed in Section I above, for a transitional-period provisional ballot to be counted, the signature on the affidavit must match the

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<sup>29</sup> The permanent provisions of SB 1014's Photo-ID Requirement have been in full effect since the enactment of SB 1014. The transitional provision merely provides an alternative method of voting (by provisional ballot instead of regular ballot) for persons who lack the appropriate photo-ID during the transitional period.



signature on file with the election authority, however long ago the signature on file was made and without regard to any disability or infirmity of the voter. *Id.*

This Court rejects Appellants' argument that, even if constitutional infirmities exist as to the permanent provisions of the Photo-ID Requirement, the transitional provisions are severable from the permanent provisions and could go into effect despite the invalidity of the permanent provisions.

While there is a presumption that "[t]he provisions of every statute are severable," *Sec. 1.140, RSMo 2000*, if any provision of a statute is found unconstitutional, the remaining provisions cannot stand if they are "so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the legislature would have enacted the valid provisions without the void one." *Id.* In other words, "[t]he test of the right to uphold a law, some portions of which may be invalid, is whether or not in so doing, after separating that which is invalid, a law in all respects complete and susceptible of constitutional enforcement is left, *which the Legislature would have enacted if it had known that the excised portions were invalid.*" *State ex rel. Audrain County v. Hackmann*, 205 S.W. 12, 14 (Mo. banc 1918) (emphasis added); accord *City of Springfield v. Sprint Spectrum, L.P.*, --- S.W.3d ---, (Mo. banc 2006), 2006 WL 2257073, \*8.

The transitional provision of SB 1014's Photo-ID Requirement is just that: transitional. After November 2008, Missouri voters who lack the requisite photo ID will no longer be able to vote, by provisional ballot or otherwise unless they fall within the limited class of voters allowed to cast a provisional ballot under section 115.427.3's

exception to the Photo-ID Requirement discussed in Section I above. Nothing in SB 1014 suggests that the legislature would have enacted the transitional provisions without the permanent provisions. The transitional provisions are enacted as part of the same section, 115.427, as the permanent provisions and provide only a temporary exception to the otherwise valid and currently enforceable Photo-ID Requirement. Nothing in this section suggests that the legislature would have enacted *only* this transitional provision if it believed the law would simply revert to the previous statute after the transition ended in November 2008. A transition is inherently a step towards an end, not an end in itself.

Since the transitional provisions are "so essentially and inseparably connected with, and so dependent upon" the permanent provisions, *Sec. 1.140, RSMo 2000*, these transitional provisions cannot be severed. While the legislature may remedy the constitutional problems that assail SB 1014's Photo-ID Requirement, the Court cannot speculate as to the terms of some new statute as yet not enacted.

Partly in response to Appellants' contention that the interim provisions of section 115.427 are severable from the remainder of that section, Plaintiffs make the additional argument that SB 1014 allows provisional voting (both the type allowed under the transitional provisions and the type allowed under section 115.427.3's exception to the Photo-ID Requirement discussed above) *only* at federal elections and in primaries. If this is the case, it would present an additional and serious constitutional problem.

When provisional balloting was first instituted in Missouri in 2002, it was permitted only for primary and general elections in which candidates for federal or statewide offices were nominated or elected and for any election in which statewide

issues were submitted to the voters. *See sec. 115.430.1, RSMo Supp. 2005.* The procedures for counting such ballots were set out in section 115.430. *Id.*

The provisional voting permissible under SB 1014's Photo-ID Requirement states that such provisional ballots "shall be entitled to be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast." *Sec. 115.427.13; accord Sec. 115.427.3.* The only statutory method of determining eligibility of those who cast such provisional ballots is pursuant to section 115.430. But, whether intentionally or through oversight, the legislature chose not to amend or delete subsection 115.430.1, which still provides that determining eligibility and counting provisional ballots may be made under that section only in primaries and statewide or federal elections.

The result is that either there is no provisional voting in local elections when the two provisions are read *in pari materia* or else there is provisional balloting in such elections, but the statutes provide no means of determining the eligibility of those provisional voters and no safeguards for collecting and counting those votes, which would itself present serious constitutional problems. The dissent suggests a third approach: that the "internal inconsistency" in section 115.430 should be harmonized by reading the reference to section 115.427 in 115.430.2 to expand the scope of 115.430 to encompass "any election." This interpretation would read section 115.430.1 out of the statute completely, which this Court is not permitted to do. *Kearney Special Road Dist.*



*v. County of Clay*, 863 S.W.2d 841, 842 (Mo. banc 1993) ("Where language of a statute is clear, courts must give effect to the language as written. Courts are without authority to read into a statute a legislative intent contrary to the intent made evident by the plain language.") (citations omitted). In any event, since section 115.427 is stricken on other grounds, this Court need not conclusively resolve the issue regarding how to interpret these incongruous provisions and leaves it to the legislature to clarify them.

Thus, without deciding the issue of whether the interim provisional ballots (or those provisional ballots available under section 115.427.3's exception to the Photo-ID Requirement) are available only for federal or statewide elections and primaries, the Court holds that the transitional provisions of section 115.427.13 must be struck down together with the permanent provisions of SB 1014's Photo-ID Requirement because the former is not severable from the latter.

#### ***IV. RIPENESS***

The dissent characterizes this Court's holding that the statute's Photo-ID Requirement, which currently governs all elections in Missouri, is unconstitutional as "a straightforward violation of the ripeness doctrine." Not so. First, the dissent's analysis depends upon the severability of the transitional provisions. As this Court determines that the transitional provisions are not severable from the permanent provisions, it need not (and does not) reach the question of the constitutionality of the transitional provisions.

Second, even were the transitional provisions severable, an evaluation of the constitutionality of the permanent provisions would be ripe. To be ripe for judicial

determination, a controversy must be "of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Missouri Health Care Ass'n v. Attorney General of the State of Mo.*, 953 S.W.2d 617, 620 (Mo. banc 1997). "[C]onstitutional challenges to laws [are] ripe when the facts necessary to adjudicate the underlying claims were fully developed and the laws at issue were affecting the plaintiffs in a manner that gave rise to an immediate, concrete dispute." *Id.* The Photo-ID Requirement unmistakably meets this standard.

If the Photo-ID Requirement is valid and enforceable, Missouri voters must take action and incur costs now, or at least before the transitional period ends in November 2008, in order to secure their ability to vote in the future. The transitional provisions central to the dissent merely provide a temporary alternative to the costly and burdensome procedure required under the permanent provisions to obtain an approved photo ID. Consequently, the dispute regarding the constitutionality of the Photo-ID Requirement is immediate and concrete.

Furthermore, the types of photo ID one must obtain, the procedures one must follow to obtain them, and the cost of any required supporting documentation were proved with sufficient certainty to the trial court. The only "fact" that the dissent posits is not fully developed is whether the legislature will take any future action that could possibly bring the statute into compliance with Missouri's constitutional commands. This is no fact at all, and certainly no barrier to this Court's determination of the constitutionality of this statute, which is presently in effect. While this Court shares the hope that the legislature will be able to rectify the problems identified here and pass a



constitutional law that is less burdensome on the right to vote, the version of section 115.427 now in effect is the only one ripe for judicial consideration.

#### *V. CONCLUSION*

The Missouri Constitution provides a specific provision that enshrines the right to vote among certain enumerated constitutional rights of its citizens. *Mo. Const. art. I, sec. 25*. SB 1014's Photo-ID Requirement creates a heavy burden on the right to vote and is not narrowly tailored to meet a compelling state interest, so it falls afoul of the Missouri Constitution's equal protection clause, *Mo. Const. art I, sec. 2*, and of Missourians' specific constitutional protection of the right to vote. *Mo. Const. art. I, sec. 25*. For these reasons, the trial court judgment is affirmed.

Wolff, C.J., Stith, Teitelman and White, JJ., and Blackmar, Sr. J., and Rahmeyer, Sp. J., concur; Limbaugh, J., dissents in separate opinion filed. Price and Russell, JJ., not participating.



**SUPREME COURT OF MISSOURI**  
**en banc**

DUPLICATE  
OF FILING ON

OCT 16 2006

IN OFFICE OF  
CLERK SUPREME COURT

Kathleen Weinschenk, et al.,	)	
	)	
Respondents,	)	
v.	)	No. SC88039
	)	
State of Missouri,	)	
Appellant,	)	
	)	
Robin Carnahan, Secretary of State,	)	
	)	
Respondent,	)	
	)	
Dale Morris and Senator Delbert Scott,	)	
	)	
Intervenors-Appellants.	)	

**DISSENTING OPINION**

I respectfully dissent.

Whatever the deficiencies in the Missouri Voter Protection Act (MVPA), whether real or imagined, the allowance for provisional voting cures all, at least during the two-year transition period before the general election in 2008. Until that time, every person who is properly registered to vote will be allowed to do so, even without a valid photographic identification (photo ID), and indeed, every person who would have been allowed to vote before the enactment of the MVPA will be allowed to do so just as

before. Those persons who have no photo ID can cast a provisional ballot using the same, simple means of identification that have been required since 2002, and all provisional ballots properly cast will be counted. In addition, a determination of the constitutionality of the photo ID provisions of the Act as it applies after the two-year transition period is not yet ripe for adjudication, because it may well be that the General Assembly, in the interim, will act to alleviate the perceived deficiencies.

# I.

As the majority notes, provisional balloting statutes were first enacted by the General Assembly in 2002 in response to the mandate of the federal "Help America Vote Act," (HAVA), 42 U.S.C. sec. 15482. HAVA requires that states provide a "fail-safe" procedure for voting so that a person whose registration or identity is challenged can cast a provisional vote that will be counted if it is later determined that the person was indeed entitled to vote. In pertinent part, HAVA states:

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is:

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.

Missouri's provisional voting statutes are in full accord with HAVA. In particular, section 115.427.13, RSMo Supp. 2006, the provisional voting statute that applies to persons who do not present a valid photo ID when voting in elections during the two-year transition period, states:

13. For any election held on or before November 1, 2008, an individual who appears at a polling place without identification in the form described in subsection 1 of this section, and who is otherwise qualified to vote at that polling place, may cast a provisional ballot after:

(1) Executing an affidavit which is also signed by two supervising election judges, one from each major political party, who attest that they have personal knowledge of the identity of the voter, provided that the two supervising election judges who sign an affidavit under this subdivision shall not be involved or participate in the verification of the voter's eligibility by the election authority after the provisional ballot is cast; or

(2) (a) Executing an affidavit affirming his or her identity; and

(b) Presenting a form of identification from the following list:

a. Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

b. Identification issued by the United States government or agency thereof;

c. Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

d. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the voter; or

e. Driver's license or state identification card issued by another state.

Such provisional ballot shall be entitled to be counted, provided the election authority verifies the identity of the individual by comparing that individual's signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.

Under the voting laws in effect before the enactment of the MVPA, all regular voters were required to present one of several approved forms of identification, which



included certain non-photo IDs. Sec. 115.427.1, RSMo Supp. 2002.<sup>1</sup> Now, under the transitional provisional voting sections of the MVPA, individuals may still vote by presenting the same forms of non-photo ID that were permitted before the enactment of MVPA – even “a copy of a current utility bill, bank statement, government check ....” Sec. 115.427.13. The only difference is that voters who present a form of identification other than an approved photo ID must also sign a simple two-sentence form affidavit available at the polling place swearing to the fact that they are who they say they are. Sec. 115.427.14, RSMo Supp. 2006. Then, once the affidavit signature is verified “by comparing that individual's signature to the current signature on file with the election authority,” the provisional ballot “shall be counted.” This provisional voting procedure of “written affirmation” and “prompt verification” of that affirmation – mandated by HAVA – is no real burden on an individual's right to vote.

A.

Although the majority makes clear that it is not holding the provisional voting sections unconstitutional, it suggests, nonetheless, that the provisional voting procedures may present a constitutional issue. The stated concern is that “no exception to the signature match requirement is made for Missourians who are unable, because of disability or age, to make a signature or whose signature has changed due to age or the

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<sup>1</sup> In the alternative, if the voters were known to the supervising election judges, they need not have presented an ID but were required to swear out an affidavit attested to by those election judges. Sec. 115.427.1, RSMo Supp. 2002.



passage of time since they made their original signature when they initially registered to vote."

Tellingly, the majority cites no authority whatsoever that a signature match requirement is a constitutionally impermissible means to verify a voter's identity. After all, the signature match requirement was taken directly from the report of the Commission of Federal Election Reform co-chaired by former President Jimmy Carter and former Secretary of State James A. Baker, Jr. In particular, section 2.5.3 of that report states:

We recommend that until January 1, 2010, states allow voters without a valid photo ID card (Real or EAC-template ID) to vote, using a provisional ballot by signing an affidavit under penalty of perjury. The signature would then be matched with the digital image of the voter's signature on file in the voter registration database, and if the match is positive, the provisional ballot should be counted. ...

Except for providing a digital image of the voter's signature from the voter registration database, the MVPA signature match provisions are exactly the same.

The majority appears particularly troubled by allegations that voters who cannot make a signature will be disenfranchised. However, section 115.427.12, which the majority disavows, adequately addresses that concern. That section provides:

If any voter is unable to sign his name at the appropriate place on the certificate or computer printout, an election judge shall print the name and address of the voter in the appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

Section 115.427.12 allows voters to sign by mark on the voter's identification certificate in section 115.427.9, which is the sworn oath confirming the voter's identity and

registration that all voters must sign before receiving a regular ballot. The "mark" provision of section 115.427.12 necessarily applies as well to the provisional voter affidavit because that affidavit is used in lieu of the voter's identification certificate for those voters casting a provisional ballot under section 115.427.13.<sup>2</sup> There are at least three rules of statutory construction that compel this conclusion. First, because these sections relate to the same subject matter, they must be read *in pari materia*, that is, they must be interpreted harmoniously and consistently with each other. *Baldwin v. Director of Revenue*, 38 S.W.3d 401, 403 (Mo. banc 2001). Second, these sections must be construed liberally in support of the fundamental right to vote. *State ex rel. School Dist. of City of Jefferson, Cole County v. Holman*, 349 S.W.2d 945, 947 (Mo. banc 1961). And third, these sections must be construed "in light of a strong presumption of a statute's validity," and this Court will "make every reasonable intendment" to that end. *Reproductive Health Services v. Nixon*, 185 S.W.3d 685, 688 (Mo. banc 2006). When sections 115.427.12 and 115.427.13 are construed in these ways, all voters who cannot make a signature, whether regular or provisional, may make their mark with the assistance of an election judge.

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<sup>2</sup> The majority's assertion in footnote 8 that the signature to be made on the provisional ballot is "an additional signature" to that which "must be made on the precinct register" appears to be incorrect. Persons who appear at a polling place and who do not have an approved identification need not sign the oath on the "Voter's Identification Certificate," but proceed directly to provisional voting by executing an affidavit affirming his or her identity stating, "I do solemnly swear (or affirm) that my name is \_\_\_\_; that I reside at \_\_\_\_; and that I am the person listed in the precinct register under this name and at this address." Sec. 115.427.13, 14.

Regardless, the majority still complains that the provisional ballots of voters who sign their ballot affidavits by mark will not be counted because there can be no signature match of a mark. Again, the majority seems unwilling to read these inter-connected voting statutes *in pari materia* and to construe them liberally in support of the fundamental right to vote and in view of the presumption of constitutionality. In my mind, just as signing by mark is an exception to the signature requirement to prove one's identity for registering (sec. 115.161) and for voting (sec. 115.427.12), so too it is implicitly an exception to the signature match requirement to prove one's identity for provisional voting. Having allowed voters who cannot make a signature to sign by mark, the General Assembly surely cannot have intended that those persons are nonetheless subject to a signature match. Indeed, to submit voters who sign by mark to a signature match would be an absurd construction of the statute and would lead to the absurd conclusion that their provisional ballots would not be counted. That result, however, would not obtain under the above rules of construction, not to mention the corollary rule of construction that it is presumed "that the legislature did not intend to enact an absurd law." *Care and Treatment of Schottel v. State*, 159 S.W.3d 836, 842 (Mo. banc 2005). In these instances I would hold that the identity of a voter who cannot sign by signature is established simply by the mark, the witness thereto, and the presentation of an otherwise approved non-photo ID.

#### B.

The majority also suggests that provisional voting requirements will not apply in municipal and local elections (as opposed to primary and general elections) because



"[t]he only method of determining eligibility of those who cast such provisional ballots is pursuant to section 115.430," which by its terms, "shall apply to primary and general elections. . . ." However, section 115.427.13 expressly states that an individual appearing without a photo ID may cast a provisional ballot in "any election held on or before November 1, 2008 ...." (emphasis added). That said, section 115.430 is internally inconsistent. On one hand, it states that its provisions "shall apply to primary and general elections," and, on the other hand, it states that "a voter ... shall be entitled to vote a provisional ballot ... upon executing an affidavit under section 115.427," which, as noted, allows provisional voting in *any* election. However, reading these sections *in pari materia*, the discrepancy may properly be resolved and the statutes harmonized by reference to the fact that section 115.430 was later amended, as part of the MVPA, to relate back to section 115.427, thus expanding the scope of section 115.430 to encompass "any election." Alternatively, the doctrine of repeal by implication controls. This Court has consistently held that when two statutory provisions are repugnant, "the later act . . . operates to the extent of the repugnancy to repeal the first." *Morrow v. City of Kansas City*, 788 S.W.2d 278, 281 (Mo. banc 1990). The doctrine has classic application to this case: Because section 115.430 was amended to incorporate section 115.427 and that section's application to "any election," the amendment to section 115.430 served to repeal by implication section 115.430's limitation to primary and general elections.

### C.

Ultimately, the majority disallows the two-year transition provisions not because of the signature match issue or the local and municipal election issue, but instead because

the two-year transition provisions are not severable from the permanent provisions that become effective for the November 2008 elections. The controlling authority, section 1.140, RSMo, states as follows:

The provisions of every statute are severable. If any provision of a statute is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of the statute are valid unless the court finds the valid provisions of the statute are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed the legislature would have enacted the valid provisions without the void one; or unless the court finds that the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

As interpreted by this Court, section 1.140 means that all "statutes are presumptively severable." *General Motors Corp. v. Director of Revenue*, 981 S.W.2d 561, 568 (Mo. banc 1998).

The majority holds that because the permanent photo ID sections in SB 1014 fail, the two-year transitional provisions must fail as well, as those provisions are "so essentially and inseparably connected with and so dependent upon" the permanent sections. There is no claim, however, that "the valid provisions [the two-year transitional sections] standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent," and clearly those sections can in fact stand alone and are in fact complete and capable of being executed in accordance with the legislative intent. Instead, the majority claims that "[n]othing in SB 1014 suggests that the legislature would have enacted the transitional provisions without the permanent provisions."



To the contrary, had the General Assembly truly intended the transitional provisions set out in section 115.427.13 to be nonseverable, it would have said so expressly, just as it did in section 115.427.11, a companion section enacted as part of the very same bill, SB 1014. Section 115.427.11, which pertains to the secretary of state's authority to promulgate administrative rules "to effectuate the provisions of this section [115.427.10]" states:

Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo [the Administrative Procedure Act as it relates to the procedures for promulgating administrative rules], and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are NONSEVERABLE. . . ." (emphasis added).

The clear implication of the General Assembly's express nonseverability declaration is that the other sections, including section 115.427.13, none of which contain such a declaration, remain severable in accordance with the statutory presumption in section 1.140.

Even without that clear implication, there is ample good reason to abide by the statutory presumption. In all likelihood, the General Assembly would have intended for the transitional provisions to be in effect for only two years despite the invalidity of the permanent provisions, because at least the voting public would have had the benefit of the photo ID requirement during that time, albeit in a more restricted format. In addition, the transitional provisions, with their allowance for extensive provisional voting, have the apparent purpose to "buy time" for the General Assembly to correct any constitutional infirmities in the permanent provisions of the statute that the courts might discover during

the two-year interim period. That contingency, of course, has been borne out in this very case. The majority's reasoning in this regard, however – that "The transitional provision[s] . . . are] just that: transitional" – is altogether empty, as it would assign no purpose at all to the transitional provisions. And if the majority is thus unable to identify a purpose to the transitional provisions that would justify overcoming the presumption of severability, then how can it be fairly said that the presumption has been overcome?

In the final analysis, perhaps the best recitation of the notion of severability, and the most accurate capsulization of the words of section 1.140, is found in the jurisprudence of the United States Supreme Court, stated most recently in *Ayotte v. Planned Parenthood of Northern New England*, \_\_ U.S. \_\_, 126 S. Ct. 961, 968 (2006): "After finding an application or portion of a statute unconstitutional, we must next ask: Would the legislature have preferred what is left of its statute to no statute at all?" In this case, I have no doubt that the legislature's answer would be a resounding yes.

#### D.

In sum, I would hold that provisional voting during the transitional two-year period is not constitutionally infirm, that the allowance for provisional voting during that period precludes any legitimate claim of voter disenfranchisement, and that the transitional provisions are severable.

#### II.

Because the permanent provisions of the MVPA do not take effect until the general election in November of 2008, any decision on the constitutionality of that part of the Act is premature. Relief granted by way of a declaratory judgment is not available

"to adjudicate hypothetical or speculative situations which may never come to pass." *State ex rel. Nixon v. American Tobacco Co., Inc.*, 34 S.W.3d 122, 128 (Mo. banc 2000), citing *Farm Bureau Town & Country Ins. Co. v. Angoff*, 909 S.W.2d 348, 352 (Mo. banc 1995). Said another way, a declaratory judgment requires a justiciable controversy, which means, in part, that the controversy is ripe for judicial determination. *Missouri Health Care Ass'n v. Attorney General of the State of Mo.*, 953 S.W.2d 617, 620 (Mo. banc 1997). To be ripe, a controversy must be "of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Id.* at 621. Moreover, a controversy is only ripe "if the parties' dispute is developed sufficiently to allow the court to make an accurate determination of the facts, to resolve a conflict that is presently existing, and to grant specific relief of a conclusive character." *Id.*

Although the majority claims that "Missourians must take action and incur costs now," it then concedes that the real deadline is a full two years from now. And although the majority is correct that the statute is presently in effect, two years will pass before the parts of the statute the majority finds unconstitutional will be implemented. Until that time, no harm, real or imagined, will come to any voter. In the meantime, however, the evidence on which the trial court based its findings and judgment is subject to significant change. For instance, plaintiffs' primary grievance – that the cost of securing birth certificates or other forms of suitable identification in order to obtain a "free" photo ID is an undue burden on the right to vote – may well be satisfactorily addressed by the General Assembly during its upcoming sessions. If so, the trial court and this Court would be hard pressed to maintain that the statute is unconstitutional. Given the two-year



transition period, there is no immediacy to the controversy, no possibility for an accurate determination of the facts, and no way to grant relief specific to the alleged harm. To declare the statute unconstitutional under these circumstances is a straightforward violation of the ripeness doctrine.

### III.

Although I would not reach the merits of the claim against the permanent provisions of the MVPA due to lack of ripeness, I cannot leave unchallenged the majority's incomplete recitation of the facts pertaining to the existence of voter fraud and the need for a photo ID system to combat that fraud. According to the majority, there has been no fraud in the polling places; thus no need to prevent it. But the evidence, in part, is this: In an investigative report issued after the 2000 presidential election by outgoing Secretary of State Rebecca McDowell Cook, and introduced in evidence in this case, "135 people who were not registered to vote were permitted to vote at a polling place without a court order and without apparent authorization from [an election] Board Official." A subsequent report from then Secretary of State Matt Blunt noted, as even the plaintiffs have acknowledged here, that 79 voters registered from vacant lots, 45 people voted twice, and 14 votes were cast by the "dead." Further, as part of a federal investigation in the aftermath of the 2000 election, the United States Department of Justice found a stunningly large number of duplicate and ineligible voter registrations throughout the state. According to that report,

[A] comparison of State voter registration data posted on the website of the Missouri Secretary of State with data from the United States Census Bureau indicates that at least 34 (nearly one-third) of the election jurisdictions in

Missouri had more registered voters in November 2004 than there were persons of voting age in those jurisdictions under July 2003 Census estimates (released September 2004), and that 29 election jurisdictions in the State had more registered voters in November 2004 than there were persons of voting age in those jurisdictions under July 2004 Census estimates (released August 2005). Indeed, the State's data indicates that the local election jurisdiction with the highest ratio, Reynolds County, had 153% of its 2003 Census voting age population, and 151% of its 2004 Census voting age population, registered to vote in the November 2004 federal election. This State's data further indicates that, statewide, Missouri had voter registration totals in November 2004 amounting to 98 percent of the state's voting age population according to July 2003 Census estimates and 96 percent of the state's voting age population according to July 2004 Census estimates.

Although the majority agrees that there is some evidence of voter fraud at the voter registration stage, they discount that evidence as if it had no connection with fraud at the polling place. But why else does voter registration fraud occur if not to vote persons fraudulently registered? And if, as in the DOJ report, there are more voters registered to vote than persons eligible to vote, the requirement to present a photo ID will at least eliminate those who attempt to vote in the place of others and those who attempt to vote more than once. It must be said, too, that even if there were no substantial evidence of existing voter impersonation fraud, legislatures are permitted to respond to the potential for such fraud, and they may do so "with foresight" rather than "reactively." *Munro v. Socialist Workers Party*, 479 U.S. 189 (1986). In any event, as the Carter-Baker Commission recently concluded, "there is no doubt that [in-person voter fraud] occurs" and that such fraud "could offset the outcome of close elections."



IV.

For the foregoing reasons, I would reverse the judgment of the trial court.<sup>3</sup>

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Stephen N. Limbaugh, Jr., Judge

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<sup>3</sup> Like the majority, I would not address plaintiff's Hancock claims at this time because, although the trial court made certain findings in favor of plaintiffs, it entered judgment in favor of defendants and plaintiffs did not file a cross-appeal.

IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI

KATHLEEN WEINSCHENK,  
WILLIAM KOTTMAYER, ROBERT  
PUND, AMANDA MULLANEY,  
RICHARD VON GLAHN, MAUDIE  
MAE HUGHES and GIVE  
MISSOURIANS A RAISE, INC.,

Plaintiffs,

v.

STATE OF MISSOURI and  
ROBIN CARNAHAN, SECRETARY OF  
STATE,

Defendants.

No. 06AC-CC00656

Division II

JACKSON COUNTY, MISSOURI, et  
al.,

Plaintiffs,

v.

STATE OF MISSOURI,

Defendant.

CONSOLIDATED WITH

No. 06AC-CC00587

Division II

**JUDGMENT**

This case involves the consolidation of two lawsuits challenging the constitutionality of Senate Bill 1014. The *Jackson County* suit claims that portions of SB 1014 violate Article X, Section 21 of the Missouri Constitution as it allegedly

imposes new mandates on local governments without an appropriation of state funds to cover increased costs. The *Weinschenk* suit includes a Hancock challenge but also claims that SB 1014 violates the Missouri Constitutional in multiple respects for interfering with the right to vote as guaranteed by the Missouri Constitution. This matter first came before the Court on August 21, 2006, when evidence was taken. Thereafter on August 28, 2006, Intervenors were permitted to intervene. Additional evidence was taken on September 1 and 6, 2006, and arguments were heard on September 6, 2006.

### VOTING RIGHTS CLAIMS

Prior to 2002, voters in Missouri, like a majority of other states, were generally not required to present any form of identification as a condition of voting. Rather, they were required only to identify themselves to the election judges, write their addresses and sign certificates furnished to the election judges by the election authorities.

In 2002, the legislature adopted the current version of Section 115.427, RSMo. It required that some form of identification be presented, but allowed any one of several forms of identification readily available to virtually all registered voters. They were:

1. Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state ;
2. Identification issued by the United States government or agency thereof ;
3. Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri ;

4. A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter ;
5. Driver's license or state identification card issued by another state ;
6. Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section or other identification approved by federal law ; or
6. Personal knowledge of the voter by two supervising election judges, one from each major political party...on completion of an affidavit.

Thus, while photo ID's were permissible under the 2002 law, the types of photo ID's acceptable were numerous and photo ID's were not required exclusively. Voters were also free to use many other forms of identification, including such commonly available documents as a utility bill, bank statement, government check, paycheck, student identification card, and any identification card issued by the United States government, the state of Missouri, an agency thereof, or a local election authority. The latter form of identification could include the voter identification card mailed to registered voters. Even without any identification papers, a voter could still vote if the voter was personally known to two or more supervising election judges as long as the judges were from both major political parties.

Significantly, no complaints of voter fraud have been made since the passage of the 2002 law, nor have widespread concerns been raised that the forms of identification required by the 2002 law are unduly burdensome. The obvious reason for the lack of complaints about the ID requirements is that the many forms of identification permitted under the 2002 law meant that

registered voters were not required to take any affirmative steps to obtain acceptable identification because they already had it.

During the 2006 legislative session, the legislature determined to further revise the election laws and passed SB 1014. The new law eliminated many of the forms of identification that had previously been acceptable and established a strict photo ID requirement. Under the new law the only acceptable forms of Photo ID, are:

- (1) Nonexpired Missouri driver's license showing the name and a photograph or digital image of the individual; or
- (2) Nonexpired or nonexpiring Missouri nondriver's license showing the name and a photographic or digital image of the individual; or
- (3) A document that satisfies all of the following requirements:
  - (a) The document contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature in the individual's voter registration record;
  - (b) The document shows a photographic or digital image of the individual;
  - (c) The document includes an expiration date, and the document is not expired, or if expired, expired not before the date of the most recent general election; and
  - (d) The document was issued by the United States or the state of Missouri; or



- (4) Any identification containing a photographic or digital image of the individual which is issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States armed forces and that does not have an expiration date.

For the vast majority of Missouri citizens, nonexpired Missouri driver licenses or so-called nondriver licenses will have to suffice for purposes of the new voter ID requirement. Whether such a requirement would have presented the same obstacles prior to 2005 is debatable. However, in 2005 the Missouri legislature changed and increased the documentation that a citizen would have to present in order to renew or obtain a new driver or nondriver license. Many Missouri citizens have yet to experience the newly-enacted renewal process as their licenses have not yet expired. Under the revised 2005 driver license law, three different forms of proof must now be presented by all citizens seeking or renewing a driver or nondriver license for the first time under the new law. Those are: Proof of Lawful Presence, Proof of Identity, and Proof of Residence.

For someone born in the United States, Proof of Lawful Presence can only be established by a U.S. passport (cost \$97 to \$236), or birth certificate certified with an embossed or raised seal by the state or municipality (cost \$15 to \$30). For U.S. citizens born in another country, the documentation for Proof of Lawful Presence is more expensive and requires a Certificate of

Citizenship, a Certificate of Naturalization, or a Certificate of Birth Abroad. Unlike Georgia where the court found that the state of Georgia had allowed for many alternative and cheaper documents as an alternative to birth certificates in order to establish identification, the only documents which may suffice in Missouri as an alternative to a birth certificate are documents that are more expensive than birth certificates.

The second category of proof required by the Missouri Departement of Revenue is Proof of Identity. To satisfy this category, an individual must present a U.S. passport, a Social Security card, or a Medicare card. For most citizens to establish Proof of Identity, this will mean obtaining a Social Security card. Not to be outdone by its state counterparts, the Social Security Administration is no shrinking violet when it comes to demanding documentation for one of its prized cards.

To obtain a Social Security card, an applicant must submit a completed application to the local Social Security office personally and provide at least two documents from the following satisfying the three categories identified:

- a) Proof of U.S. citizenship: U.S. birth certificate, U.S. passport, Certificate of Naturalization or Certificate of Citizenship;
- b) Proof of age: birth certificate, U.S. passport;
- c) Proof of identity: U.S. driver's license; state-issued nondriver identification card or U.S. passport (document must be current (not expired) and show name, identifying information (date of birth or age) and preferably a recent photograph). If the person does not have one of these specific documents or cannot get a replacement for one of

them within 10 days, other documents accepted for proof of identity are:

- i) employee ID card;
- ii) school ID card;
- iii) health insurance card (not a Medicare card)
- iv) U.S. military ID; or
- v) adoption decree.

(Documents must be original or copies certified by the issuing agency. Proof of U. S. citizenship and age are not required for those requesting a replacement card.)

For persons whose names have changed (such as persons who have married or divorced and requested a change of name), an applicant must take or mail a completed application to the local Social Security office and must submit original documents (or copies certified by the issuing agency) from the following to show proof of the name change:

- a) U.S. citizenship (if not previously established with Social Security) or immigration status;
- b) Legal name change: marriage document; divorce decree specifically stating person may change her name; certificate of naturalization, or court order for a name change;
- c) Identity: U.S. driver's license; state-issued nondriver identification card or U.S. passport (document must be current (not expired) and show name, identifying information (date of birth or age) and preferably a recent photograph).

(If documents do not give date of birth, age or recent photograph, person will need to produce one document with old name and a second document with the new legal name containing the identifying information (date of birth or age) or a recent photograph.)

Because of our societal custom of women modifying or changing their name in marriage, these documentation requirements will have a greater

disparate effect on women rather than men, regardless of their affluence. However, an even greater disparate effect will occur on poor women because of the financial burden entailed in acquiring certified copies of all the supporting documents. The fact that the state does not charge for the nondriver license itself (if obtained for the purpose of voting) does not avoid the constitutional issue or economic reality that voters will have to "buy" numerous government documents to get the "free" photo ID to qualify for the privilege of voting. While a license to drive may be just that: a license and not a right. The right to vote is also just that: a right and not a license.

Though the State's interest in establishing a person's identity as the person who is registered to vote is a legitimate government goal, that goal and the means employed to accomplish it must be weighed against the rights and interest of citizens' free exercise of their right to vote. The court does not question the motives of the proponents of the photo ID requirements and acknowledges the benefits of an identification system which increases voter confidence in the integrity of the electoral system. Differing perceptions and opinions about the effect of a strict photo ID system on suspect classes do not constitute proof of purposeful discrimination and court rejects plaintiffs' proof and arguments in support of it claims on counts V and VI.

In SB 1014, however, the legislature has chosen a scheme of identification that places little burden on the state. Unlike the photo ID laws in most other states, the Missouri law has few real alternatives to a state

issued ID, and places most of the burden on the citizen voter. Even the “exemption” for people born before 1941 is largely illusory as it requires the completion of an affidavit that the person is unable to obtain a photo ID because of their age: an oath to which many elderly persons would not or could not attest.

The photo ID burden placed on the voter may seem minor or inconsequential to the mainstream of our society for whom automobiles, driver licenses, and even passports are a natural part of everyday life. However, for the elderly, the poor, the under-educated, or otherwise disadvantaged, the burden can be great if not insurmountable, and it is those very people outside the mainstream of society who are the least equipped to bear the costs or navigate the many bureaucracies necessary to obtain the required documentation. For these many reasons, this court concludes that the voting restrictions imposed by SB 1014 impermissibly infringe on core voting right guaranteed by the Missouri Constitution

### HANCOCK CLAIMS

The Hancock issues in this case are more subtle and complex. The defendants correctly point out that the photo ID requirement of SB 1014 is an obligation that is imposed on the voter and does not constitute a new or expanded activity that is imposed on local government. In this argument they would be correct if SB 1014 did nothing more. However, in an attempt



to ameliorate some of the difficulties with the new photo ID requirement, SB 1014 also established provisional balloting under subsections 3 and 13 of section 115.427. These two subsections establish new provisional balloting to deal with the photo ID issues and are different from the provisional balloting which already existed under section 115.430 to address voter registration discrepancies in the voter registration lists. The provisional balloting and its implementation provided for in SB 1014 does constitute a new and expanded activity imposed on local government which must be funded if there are increased costs. On that issue the Court does find specific and credible evidence from three jurisdictions as to substantial increased costs associated with provisional balloting. With respect to the remaining 113 jurisdictions, however, the evidence of increased costs, though logical and credible, lacked the specificity required by the Missouri Supreme Court in the *City of Jefferson* and *Brooks* cases.

The remedy for a proven Hancock violation is unique not only to Missouri constitutional law but as best this court can tell, to all state and federal constitutional law across the country. Much like a county by county option for liquor by the drink, a statute that violates the Hancock amendment is only unconstitutional in those counties that want to raise the objection while the statute remains "constitutional" in those counties that do not object. More importantly, the remedy for the counties that do object is simply that they are relieved of performing the unfunded mandated activity

while the rest of the statute remains in effect, i.e., counties would be relieved of providing for provisional balloting while the photo ID requirements remained in effect.

The specific relief being sought by the plaintiffs in the *Jackson County* case and count VII of the *Weinschenk* case for Hancock violations is a class certification of all 116 Missouri counties, a declaration that SB 1014 in its entirety is violative of Article X, Sections 16 – 22 of the Missouri Constitution, and a state-wide order preventing its enforcement. Bound by Missouri Supreme Court precedent as this Court is, the relief sought by plaintiffs is beyond the power of this court to grant as the remedy sought by plaintiffs is not a remedy that our Supreme Court has established for Hancock violations. Accordingly, the relief sought by plaintiffs is denied.

IT IS HEREBY ORDERED, ADJUDGED, DECREED AND DECLARED, for the reasons set forth in this judgment and the accompanying Findings of Fact and Conclusions of Law, that the new Section 115.427, Mo. Rev. Stat. (2006) enacted in the Missouri Voter Protection Act, including its Photo ID Requirement, is UNCONSTITUTIONAL in that:

- (a) It constitutes an impermissible additional qualification to vote in violation of Article VIII, Section 2 of the Missouri Constitution;
- (b) It violates the prohibition on interference with the “free exercise of the right of suffrage” and the requirement that “all elections shall be free and open” contained in Article I, Section 25 of the Missouri Constitution;

- (c) It requires the payment of money to vote, in violation of the Due Process and Equal Protection Clauses in Article I, Sections 10 and 2, respectively of the Missouri Constitution;
- (d) It constitutes an undue burden on the fundamental right to vote that is not narrowly tailored to meet a compelling state interest, in violation of the Due Process and Equal Protection Clauses in Article I, Sections 10 and 2, respectively of the Missouri Constitution.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED :

In the *Wienschenk* case, judgment is entered in favor of plaintiffs against defendants on Counts I, II, III, and IV; judgment is entered in favor of defendants against plaintiffs on Counts V, VI, and VII. In the *Jackson County* case, judgment is entered in favor of defendants against plaintiffs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants State of Missouri and Robin Carnahan, Secretary of State, and those defendants' respective officers, agents, representatives, employees and successors, and all other persons in active concert and participation with Defendants in administering and certifying elections within the state of Missouri, including all local election officials, be and they hereby are RESTRAINED AND ENJOINED from implementing and enforcing the changes to Section 115.427 enacted in the Missouri Voter Protection Act, including the Photo ID Requirement.

IT IS FURTHER ORDERED that Defendant Robin Carnahan, Secretary of State, shall promptly provide actual notice of this judgment and

injunction to each of the 116 local election authorities in the State of Missouri.

All parties are to bear their own costs.

SO ORDERED THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2006.

Original Signed By  
**RICHARD G. CALLAHAN**

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Richard G. Callahan  
Circuit Judge, Division II

Issues Reported to Office of Secretary of State  
November 7, 2006 Election

Issue type	Date	Time	Jurisdiction	Mode	Brief description of issue
Absentee issue	11/6/06	2:14 p.m.	Jefferson	phone	Two voters requested their absentee ballots, but had not received them. They were told the county mailed them out 10/25. When they got the tracking numbers from the clerk's office, the post office said those did not exist. The husband is disabled and the wife is his caregiver.
Absentee issue	11/6/06	9 a.m.	Bollinger	phone	ES&S set up ballots then told LEA she would have to change the layout. She had sent 130 absentee ballots before being informed of this. They will have to remake the ballots. She is going to have two bi-partisan teams spoil and remake the 130 ballots. One team will remake and the other team will verify that the original and remade ballots are identical.
Absentee issue	11/7/06		St. Louis	phone	Voter changed his voter registration information from Boone to St. Louis county by mail and asked for an absentee ballot. St. Louis County sent him a letter dated Oct. 28 that he needed to provide a copy of his ID in order to get an absentee ballot. He says that per 115.159.3(2) he is exempt from having to provide that.
Absentee issue	11/6/06	12:53 p.m., 1:05pm	Jefferson	phone	Disabled Jefferson County voter has not received absentee ballot. He is disabled and cannot leave his home. He claimed that there are at least 80 other ballots that were supposedly sent on the 26th that had not been delivered (according to the postmaster) by Election Day.
Absentee issue	11/1/06		St. Louis	phone	Voter attempted to vote absentee even though she is not going to be absent on election day.
Absentee issue	11/1/06		St. Louis	email	Voter had been asked for last four digits of SSN before being allowed to apply for absentee ballot.
Absentee issue	11/6/06		St. Louis	phone	Voter became hospitalized this morning. He inquired as to how he can vote.
Accessibility	11/7/06		St. Charles	phone	The voter is wheelchair-bound and concerned that the DRE is not accessible for wheelchair-bound people. She was able to cast an optical scan ballot; she's concerned that if in the future the LEAs go to only DRE, then she won't be able to vote unassisted.
Ballot issue	11/7/06		St. Louis City	phone	Election judges are handing out provisional ballots instead of real ballots in a ward that is nearly 100% black.
Ballot issue	11/8/06		Johnson	phone	County Clerk is refusing to count some ballots --provisional ballots.
Ballot issue	11/8/06		Kansas City	phone	Voter states there is a lack of voting booths and private areas in Clay. County.



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Ballot issue	11/7/06	11:53 a.m.	Franklin	email	Voter was given the wrong ballot at the Sullivan School Administration Building. He and his wife are residents of the 111th Missouri House District, but were given ballots for the 98 th Missouri House District. He recognized the problem and was able to convince the election judges to give him a proper ballot, but not until his wife had already cast an incorrect one. While he was working with the election judges to fix the problem, another voter checked her ballot and discovered that she also had been given the wrong ballot.
Ballot issue	11/7/06	11:34 a.m.	Franklin	email	Voters in Sullivan and Beaufort receiving wrong ballots. Reported to clerk's office.
Electioneering	11/7/06	1:57 p.m.	St. Louis	email	St. Geneveive Dubois - Priests greeting voters in clerical garb.
Electioneering	11/3/06		Shelby	phone	25 foot signage question and church signage question.
Electioneering	11/7/06	9:28 a.m.	Cole	phone	Complaint from Cole County voter that the Capital City Christian Church had "No on 2 brochures" next to the table where you pick up your ballots.
Electioneering	11/7/06	7:30 a.m.	Howard	phone	There are signs on Courthouse property. They are 25 feet from the door but they did not have permission to put them there.
ID - Acceptable	11/7/06		St. Louis	phone	At the Bernard Middle School polling place, the Supervisor refused to take a U.S. passport as an ID. They made the voter sign an affidavit.
ID - Acceptable	11/7/06		St. Louis	phone	At the Glendale Lutheran Church, between 6:00 and 7:00, the wait was only 15 to 20 minutes. Voter went in and presented voter registration card with current address. She had not signed it. She was handed a piece of paper. She was told in a rude tone to sign her card. Another person told her that since it was not signed, she was told she had to present her photo ID. She had to ask for her driver's license back – did not automatically give it back. The Supervisor was making fun of the election rules with a friend in line.
ID - Acceptable	11/7/06		Warren	phone	ID question, New information says you can use a utility bill to vote, but if it is a paid bill, it will not have your name printed on it.
ID - Photo	11/7/06		St. Louis	phone	Voter voted at the Ridgemoor Elementary School at 777 Ridge Rd in Wildwood and they asked for his photo ID. Even after he resisted, he was not able to get a ballot until he showed his drivers license.

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ID - Photo	11/7/06		St. Louis City	phone	Two Polling Places were requiring SIGNATURE identification---1. Nathaniel Hawthorne School (Hanely RD) 2. Christ the King Church (Big Ben RD)
ID - Photo	11/7/06		Boone	phone	Voter in Boone County at Woodcrest Church was asked for his photo ID.
ID - Photo	11/7/06		St. Louis		Voter at Central Baptist Church on Washington Avenue was asked for Photo ID. She had her voter card, and they still wouldn't let her vote until she showed a photo ID.
ID - Photo	11/7/06		Boone	phone	Poll workers asked for Photo IDs.
ID - Photo	11/7/06		St. Louis	phone	St. Louis Co turned people away for not having a photo ID (Baxter Ridge clubhouse 186 8:30am).
ID - Photo	11/7/06		St. Louis	phone	In Overland, voters were asked to show Photo ID.
ID - Photo	11/7/06		St. Louis	phone	At St. Patrick's Senior Apartments, 555 Bluff Park Dr. in Florissant, poll workers are insisting on 2 forms of voter ID.
ID - Photo	11/7/06		St. Louis	phone	Voter went to vote at Kirkwood HS and saw a sign that said Photo ID was required; election judges asked for his photo ID, when he resisted they told him he needed to show something with a signature; He brought this up to the supervisory election judge who, according to him, did not take his concerns seriously.
ID - Photo	11/7/06		Miller	phone	Voter was asked to show his photo ID before he was allowed to vote. Poll worker said Miller County was ordered to ask for IDs.
ID - Photo	11/7/06		St. Louis	phone	Election judges at Kirkwood HS were asking voters for photo ID.
ID - Photo	11/7/06		Boone	phone	Voter at Lenoir Community Center in Columbia was asked for Photo ID.
ID - Photo	11/7/06		St. Louis		Bell Fontaine Neighbors polling place requiring photo ID.
ID - Photo	11/6/06	10:52 a.m.		phone	Voter was told by a candidate that a driver's license was needed to vote.
ID - Signature	11/7/06		St. Louis	phone	Poll workers were requiring signature IDs to vote and had a poster up stating such in University City at Nathaniel Hawthorn. Election Judge told her she wasn't going to quit asking for it until someone told her different.
ID - Signature	11/7/06		St. Louis	phone	The poll workers would not accept voter's voter identification card and demanded a signature identification card at Mount Zion Church on Craigs road. Voter did not see a poster in the polling place that explained what identification could be used to vote.

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ID - Signature	11/7/06		St. Louis	phone	At Webster Groves, 1st United Methodist Church at 600 Bonpart Ave, pollworkers are insisting on signature ID.
ID - Signature	11/7/06		St. Louis	phone	His notification card says to bring a signature ID to the polls.
ID - Signature	11/7/06		Cole	phone	Poll worker instructions included requirement for signature ID.
Judge issue	11/6/06		Jefferson	phone	Franki Brown is the supervisory judge for precinct 71-70, she said that she has not received any of the materials that she should have to work the polls. She is very concerned that this election is not organized. She has been working the polls for 10 years.
Judge issue	11/7/06	2:11 p.m.	St. Louis	email	According to the e-mail, a non-campaign judge was working on an out of order voting machine, and was pushing names for Republicans for 10 minutes straight unsupervised. Voter referred to ballot stuffing. Voter voted at St Clemens Church in Des Peres between 12:40 – 1:30 and was told that all DREs were down; could only vote on Optical Scan. While in line the voter noticed a woman punching Republican names up and down the ballot. (Woman), poll worker, talking with her in a familiar way. (She) asked for driver's license but he was voting with a utility bill. They had him fill out and sign a comments sheet.
Judge issue	11/7/06	1:57 p.m.	St. Louis	email	Hudson Elementry - Missing Election Judges
Judge issue	11/8/06		Johnson	phone	According to caller, LEA was short a Democrat election judge. He had a Republican pose as a Democrat so he could be a judge.
Judge issue	11/8/06		Johnson	phone	Voter complained about vote issues in Johnson County. According to the caller, a "true" Republican served as a Democrat election judge because there was not a Democrat in that polling place; also complaining that voters were turned away because they already voted absentee.
Judge issue	11/7/06		St. Louis	phone	Voter complained about her polling location at Hope Church in Maryland Heights; 2 election judges got into a fight and there were not enough to show her how to use the DRE.
Malfunction - all	11/7/06		St. Louis	phone	Voter voted at the St. Louis County Wedgewood precinct 19. The Optical Scan system was down and she was directed to vote on the DRE. The DRE was not printing the VVPAT. The VVPAT was scrolling up but no print was showing. She was in the polling place from 11:30-1:15

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Malfunction - all	11/7/06	1:57 p.m.	St. Louis	email	At Mt. Calvary Lutheran Church, there were 3 broken voting machines; at the Church of Jesus Christ of LDS, there were 2 broken voting machines.
Malfunction - DRE	11/7/06		St. Louis	email	Voter said her vote on amendment was not reflected correctly on DRE.
Malfunction - DRE	10/31/06		St. Louis	phone	Voter reported he touched screen for McCaskill and it registered as a vote for Talent.
Malfunction - DRE	11/7/06		St. Louis	phone	Voter attempted to vote for McCaskill, but touchscreen registered vote for Talent.
Malfunction - DRE	10/26/06		St. Louis	email	Touchscreen was registering vote for Talent rather than McCaskill.
Malfunction - DRE	11/7/06	11:53 a.m.	Franklin	email	In Pacific, electronic voting machines did not have the option to vote for Ed Groom (Republican candidate for the 105th Missouri House district).
Malfunction - DRE	11/7/06		Holt	phone	VVPAT was jamming in one machine; Wanted us to know she was taking it offline while this was going on.
Malfunction - DRE	11/7/06		St. Louis	phone	At Brentwood Center in St. Louis County, the DRE was not working.
Malfunction - OS	11/7/06		St. Louis	phone	Optical Scan system not working, and poll worker did not tell him before he voted at Armstrong elementary.
Malfunction - OS	11/7/06		St. Louis	phone	The precinct counter broke early this morning when voter voted at the Cross Keys Middle School on Lindbergh (just on the edge of Florissant); he put his Optical Scan ballot into the "provisional ballot slot."
Malfunction - OS	11/7/06		St. Louis City	phone	Optical machine at the 13th ward in St. Louis City broke before 7am.
Malfunction - OS	11/7/06	2:30 p.m.	St. Louis	phone	The voter, her husband and her daughter went to vote at "the lodge" and she and her husband put their ballots into the scanner and they seemed to go in and be just fine. Then, the daughter was a few people behind them and was told that the scanner was broken and that she should just put her ballot on this stack of ballots under the scanner. The voter is concerned that some of these ballots may not be counted.
Malfunction - OS	11/7/06	1:57 p.m.	St. Louis	email	At the Ladue Horton Watkins High School - broken optical scanner.
Malfunction - OS	11/7/06		Kansas City	phone	Poll workers were not prepared; there was no one working the DRE; the judge signing in voters had to be pulled away from that in order to reset the DRE; the Optical Scan Counting Scanner jammed - at the Wornall Rd Baptist Church in KC.

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Malfunction - OS	11/7/06		St. Louis	phone	In Affton, the Optical Scan system was not working; poll workers told people to come back later; voter left.
No ballots	11/8/06		Johnson	phone	LEA did not provide enough paper ballots.
No ballots	11/7/06	2:45 p.m.	Pemiscot	phone	4 precincts ran out of paper ballots.
No ballots	11/7/06		Texas	phone	The polling place ran out of ballots with the Texas County school board issue in Clear Spring on it.
No ballots	11/7/06		Pemiscot	phone	Hayti polling place ran out of paper ballots and clerk authorized voters to vote on photo copies; the ballot box was not locked.
No ballots	11/7/06		Pemiscot	phone	Ran out of paper ballots and the machines wouldn't take copied ballots. Election Judges had the machine open and told the people to just drop it in the box. Also, voter had a person tell him that an older woman wanted to change her ballot, and the election judge dug through the box and got out a ballot for her. Some copies did not have the back page.
No ballots	11/7/06	11:53 a.m.	Franklin	email	In Jefferson County, polling stations ran out of ballots.
No ballots	11/7/06		Pemiscot	phone	Hayti polling place ran out of ballots and clerk authorized voters to vote on photo copied ballots.
No ballots	11/7/06		Jasper	phone	Ran out of paper ballots. LEA made several photocopies of ballots.
No ballots	11/7/06		Jefferson	news	Polling places ran out of paper ballots in Jefferson County.
No ballots	11/7/06		Pemiscot	phone	Ran out of paper ballots.
No ballots	11/7/06		St. Louis		Running out of paper ballots at several polling places.
Other - list in Comments	11/7/06	10:30 a.m.	Ste. Genevieve	phone	LEA had a voter who had just come down from Court and asked to vote in his office. She had a police escort out of the building and to her car as there is serious concern about her safety if she returns home or goes to her regular polling place.
Other - list in Comments	11/7/06	8:30 a.m.	Pulaski	phone	A military voter registered in Boone County wanted a federal ballot in Pulaski.
Other - list in Comments	11/7/06		St. Louis	phone	Caller was complaining about the wording of some city initiatives.
Other - list in Comments	11/7/06		Jackson	phone	Caller was complaining about the wording of Amendment 2 on the ballot.



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Other - list in Comments	11/8/06		Johnson	phone	Voter says ballots have been removed from the courthouse by LEA. They supposedly recounted them. LEA apparently was found alone with the ballots at one point last night after all the judges had left. Voter said LEA did not report to both parties equally, he waited at least 15 minutes to report the results to the Democrats.
Other - list in Comments	11/7/06		St. Louis	phone	Voter was furious and felt his number and address were sold when he registered to vote; one night he received 32 calls in 4 hours; all political based. He is going to sue someone.
Other - list in Comments	11/7/06	2:30 p.m.	Kansas City	phone	Voter voted at the Trinity United Methodist Church at 620 E. Armor, Kansas City. The pollworkers were advocating certain candidates by discussing them among themselves and with other people loud enough for everyone to hear. When someone mentioned that to them, they basically ignored them and continued to do so. Also, this person did not know there were 2 sides to the ballot, and he only voted one side.
Other - list in Comments	11/7/06			phone	Caller complained about amendment 2 ballot wording.
Other - list in Comments			Linn		Issue with downloading DRE results at the clerk's office after polls closed.
Other - list in Comments	11/7/06	9:16 a.m.	St. Charles	phone	Voter from St. Charles County called to say that he did not vote an absentee ballot and is now "stuck in Jefferson City" today and wondered if there was any way he could vote a provisional ballot here.
Pollbook issue (other)	11/7/06	7:00 a.m.	St. Louis City	phone	Voter stood in line for 15 minutes before being informed that they had the incorrect poll books at the polling place (Ward 11, Precinct 5).
Pollbook issue (other)	11/7/06		Johnson	phone	When Johnson County pulled their poll book, their absentee voters from August showed up as absentee voters in November. A caller complained that not all the precincts are being handled the same way. Some are being allowed to vote, while others are being sent to the courthouse to get it straightened out.
Pollbook issue (other)	11/7/06	8:30 a.m.	Kansas City	phone	Voter went to polling place and found that the precinct roster had the correct cover but contained the wrong pages. The poll workers told her that they would get it fixed and she should come back in the evening to vote, or that she could vote a provisional ballot. This was in Ward 9, Precinct 4.
Polling place issue	11/7/06		St. Louis	phone	Polling place was chaos.

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Polling place issue	11/7/06		St. Louis City	phone	Polling place procedure; no check in for DRE line; anyone can vote St. Louis City 7th ward or 16 ward
Polling place issue	11/7/06		St. Louis	phone	Several voters are inexplicitly not appearing on the voter rolls in a 90% black district; lines to the election board are tied, so election judges cannot call to verify registration.
Polling place issue	11/7/06		St. Louis	phone	Polling place under staffed.
Polling place issue	11/7/06	10:00 a.m.	St. Louis	phone	Polling Place issues in Webster Groves at Affton High School-
Polling place issue	11/7/06		Lawrence	phone	Report of voter passing out in long lines at polls.
Polling place issue	11/7/06	9:05 a.m.	St. Louis	email	Went to vote and noticed that one of the workers was smoking in the voting area. When the voter asked another worker if smoking was allowed, she stated that the place allotted for voting was a designated smoking area. Voter does not smoke and does not like breathing that smoke or smelling like a smoke stack. Voter was very offended by the lack of concern and felt because the place was in the city of St. Louis, that no one would even care because it will be looked upon as a small matter. Wanted to know if she could expect a more favorable environment on her next voting experience. The polling place was the 22 ward in the 6 precinct.
Polling place issue	11/7/06		St. Louis City	phone	Voter complained about the line at the Humbolt school polling place at 9th and Victor in Soulard. The line is oriented so that someone can cut in to vote without registering.
Polling place issue	11/7/06		St. Louis	phone	In St. Louis County at Bridgeton United Methodist Church, there were not enough poll workers and lack of organization.
Polling place issue	11/7/06		St. Louis	phone	At the Kirkwood High School polling place, poll workers were not handling stress of the voting systems being down well; voter had ID and found his name in the poll book but the poll worker turned him away.
Polling place issue	11/3/06		Cole	phone	Pamphlets in her polling booth while voter voted.
Polling place issue			Jefferson	phone	Issues in Murphy, Cedar Hills, and Athena Polling places. They ran out of ballots twice.
Polling place issue	11/7/06		Kansas City	phone	Voter complained that the Kansas City Election Board did not notify him of his polling place change. His new polling place was literally right across the street from his old one, so he was still able to vote. His old location was the SE Community Center. His new location is the SE Library.

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Polling place issue	11/7/06		Wright	phone	Confusion over the way the judges were keeping track of voters during the day.
Privacy concern	11/7/06	9:27 a.m.	Cole	phone	Was told that there was not an election law book at his polling place. Said that no one was there to make sure the ballots were fed into the machine correctly. Also said that there was no privacy when voting; the local election authority was present.
Privacy concern	11/7/06		Franklin	phone	Voter said that there was no secrecy in voting. Poll workers had everyone stand against a wall with no screen or curtains anywhere (Franklin County and Prairie Dell Precinct).
Privacy concern	11/7/06		St. Louis	phone	At the University City polling place, 701 Westgate, the DREs can be seen out the window. People are not voting in a private manner.
Privacy concern	11/7/06		St. Louis	phone	Voter complained about the orientation of the DREs. He said everyone standing in line could see how he voted.
Privacy concern	11/7/06		Kansas City	phone	Caller claimed that at the St. Paul's Episcopal Church there was no privacy. There were no dividers and the touch screen machine was placed so everyone could see how he voted.
Registration/eligibility issue	11/7/06		Ste. Genevieve	phone	Ste. Genevieve County Clerk called. A voter moved out of Ste. Genevieve County to Jefferson County but did not change his voter registration. The voter wants to come back to Ste. Genevieve to vote, but the Clerk won't let him.
Registration/eligibility issue	11/7/06		Pulaski	phone	39 soldiers at Ft. Leonard Wood who are registered to vote in Wright County wanted to vote in Pulaski County. They would have to go to Wright County to vote. One of the soldiers called. They were told weeks ago that they would be able to vote on Election Day in Pulaski County since they were in the military.
Registration/eligibility issue	11/7/06	10:25 a.m.	Jackson	phone	Voter moved from Chillicothe to Lee's Summit. When he completed his change of address at the Lee's Summit DOR License Bureau, he told them that he would like to change his voter registration and they marked "no" instead of "yes". Consequently, he thought he was re-registered to vote but he was not. He has voted for all of his adult life and now he can't.
Registration/eligibility issue	11/3/06		Ray	phone	Voter claimed to have registered at local DOR Motor Vehicle office.

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Registration/eligibility issue	11/6/06	10:22 a.m.	St. Charles	phone	Voter inadvertently completed a form when he bought a condo in Florida. He has been a resident and voter in St. Charles County for 14 years. He did not want to change his residency and wished to remain a voter in St. Charles County.
Registration/eligibility issue	11/7/06	7:15 a.m.	St. Louis	phone	Voter stated that he was told that he was not registered to vote.
Registration/eligibility issue	11/7/06		Stone	phone	DOR license office did not register her in Stone County.
Registration/eligibility issue	11/7/06		Camden	phone	Moved to Camden County over 1 year ago changed registration at DOR license office.
Registration/eligibility issue	11/7/06		St. Louis	phone	Name removed from voter rolls. She said she has been a voter for 20 years in St. Louis County. Her polling place is Florissant Jury Elementary School.
Registration/eligibility issue	11/7/06	8:00 a.m.	Clay	phone	Voter was disqualified for a felony conviction, but he said he has never been arrested.
Registration/eligibility issue	11/7/06			phone	Voter said he was denied his right to vote. He would not explain and said he would call back.
Registration/eligibility issue	11/7/06	8:04 a.m.	Clay	email	Voter went to vote at 6:30am this morning and was turned away. She was told that she and her husband weren't registered. She insisted that they had taken care of this, and the election judges said that if she returned with a piece of mail with her address then she could vote. Voter was very unhappy. She stated that they had sent her confirmation in plenty of time and then followed up with the local election authority and it still wasn't taken care of.
Registration/eligibility issue	11/3/06		Dallas	phone	Voter moved after the registration cutoff and was not allowed to vote.
Registration/eligibility issue	11/3/06	6:20 a.m.	St. Francois	phone	The voter claimed to have registered at local DOR DMV.
Registration/eligibility issue	11/6/06	10:54 a.m.	Franklin	phone	Did not get voter notification card and has talked to the local election authority.
Registration/eligibility issue			St. Louis		Washington University students not on polling place register of voters.
Registration/eligibility issue	10/30/06		St. Louis City	phone	LEA asking for additional registration information from voters whose cards were turned in by ACORN.
Registration/eligibility issue	11/7/06		Stone	phone	Voter moved from Taney County to Stone County after the voter registration deadline. He was turned away from voting an absentee ballot in Stone County and then in Taney County. Wanted to know what he could do because he had never missed voting in an election.
Registration/eligibility issue	11/7/06			phone	Voter complained that DOR DMV did not register her.

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Watcher/Challenger issue	11/3/06	10:00 a.m.		phone	Problem with challengers.
Watcher/Challenger issue	11/6/06		Clay	letter	Letter sent reviewing the statutes governing challengers and watchers.
Watcher/Challenger issue	11/7/06		St. Charles	phone	Report that the local election authority is not allowing watchers and challengers.



## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
Adair	If you volunteer, the local election authorities should at least try to contact you!
Andrew	Was not contacted for training. Very crowded in building and parking lot. Not enough voting booths. Made too long a wait. Workers didn't help voters enough. Too crowded inside and out. Not enough booths. Need 2 books of registered voters (A-L) and (M-Z) not one. There was no flag in the room we were voting. There was such a large turnout some people voted standing up rather than wait for a chair. Some wanted "I voted" stickers but we ran out immediately.
Atchison	I was told I'd be contacted the next time there is election education - I guess they had enough workers this time. I have no desire to claim a party, which was requested of me before I could be a poll worker. I did receive a letter, but the positions are pretty well filled by the same persons usually
Audrain	I was asked to go to a polling place to far out in the county. Plus I have not had any training yet. Training consisted of a very brief review. I did not realize the responsibility of senior poll workers. I must have been the only new person. The other workers were friendly to voters. Our polling place was very inconvenient.
Boone	My local election authority trained me but did not call me to work at a poll. First time judge. Wendy Noren is one of the most organized people I know! Need system to hold all poll workers accountable for being on time and not leaving for extended lunch breaks. I'm interested in doing it again. I took it upon myself to go through one of the two training sessions a second time and that was helpful Well organized. Good group of people to work with. Learned a lot about the election process. This was my first time working the polls so natural nervousness was there. Wanted to be sure everything went ok. Too long a wait for Electronic voting machines. The electronic voting machine was not helpful for the disabled person who wanted to use the ear phones - couldn't hear it - not loud enough. The workday is too long - you should have poll workers in shorter shifts. By the end of the day, all poll workers were so exhausted that mistakes were being made. The very long day is the one thing that would make me hesitate to work as a judge again. The electronic voting machine was not helpful for the disabled person who wanted to use the ear phones - couldn't hear it - not loud enough. The workday is too long - you should have poll workers in shorter shifts. By the end of the day, all poll workers were so exhausted that mistakes were being made. The very long day is the one thing that would make me hesitate to work as a judge again. A lot of voters did not trust electronic machines or were afraid to use. Not much, really. Some comments about not enough electronic voting machines. For some reason the alphabet was divided so that 1st part of alphabet was swamped and last part only 1 or 2 in line. In the afternoon, the exact opposite. I am not sure and hesitate to say. Let me get another election "under my belt". Thanks! {Respondent's name, address, and phone I was contacted by my local election authority and asked to help out at the elections. I took off work to attend two trainings. I was told I would be contacted about what polling place I would work at. On the Friday before the election, I still had not heard from the election office about my polling place, so I called them. I told them if I wasn't going to be needed I wanted to know I wouldn't take time off of work on election day. They told me I would be needed but that they would call me by Monday to tell me my polling place assignment. I took a third day off - election day - but never got contacted by the election authority again. I also never received payment for the two trainings I attended. I am young, 35. I saw this as the first of many elections I would work. Now I am not so sure I'll waste my time and money in the future. The election authority should treat their volunteers

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	better if they want people to help out.
Buchanan	Nobody called me.
	I would very much like to be trained as a poll worker. This is the first year I called.
	I do hope I soon get called to work on election day.
	I stopped in early and everything appeared to be running smoothly. I asked two of the volunteers who I should talk to about volunteering next time.
	She told me to go to the website and sign up electronically. She said they needed more workers in Rushville because many of the current workers were getting older. So again, I want to offer my services at the Rushville, MO election site. - {Respondent's name}
	According to our newspaper and people I know that voted -- all went well at the various polls.
Camden	Everyone was so friendly and helpful. Our talents complimented each other.
	Election day was fun. Everyone knew what they were doing. The longest voters had to wait was 5 mins.
	Voter registration lines were inadequately assigned to alphabetical queues which resulted in excessively long lines for some and short lines for others. Properly trained poll workers could have rectified this problem.
	Please have someone contact us - {Respondent's name, address, and phone number}
Cape	Mentally alert, but 13-15 hr. day exceeds physical capacity.
	I was told originally that they were flexible with schedules and so when I was contacted I told them I had a class at SEMO from 2pm-3:15pm and I could have worked ALL but during that time and I was told "no" I had to be there the entire time.
	I wish that someone would have contacted me. Very much disappointed.
	I had a college class conflict, otherwise I would have definitely volunteered.
	Although it was my first time to work at the polls, the supervisors seemed to be well trained and were very helpful. Good supervision at the polls.
	The experience of the older judges was an important part of it working well. This was my 1st year and I'm sure it will get easier.
	This was my first experience so I have nothing to compare it to. I enjoyed working.
	One poll worker {name} has apparently worked at the polls for many years and knows the routine but she is VERY SLOW. There were four books at the poll where I worked, and it took here forever to look up a name. People were impatient.
	A few wanted to mark only Democrat or Republican as they were used to doing.
	Only problems were with those attempting to vote without registration or wrong place.
	Decreasing hours to less than 8 and dividing jobs into 2 shifts would increase volunteerism markedly and eliminate need for advertising for workers.
	Most workers are retired each with their own health issues.
	Have automatic machines set up and ready to go the evening before.
Cass	I have called several times to let them know of my desire to work and that I am available. I have had previous training and it was satisfactory.
	I was not selected but am very interested in working at the polls.
	I was misinformed about having time to vote. I hate absentee voting.
	There are changes needed at the site but the people were excellent to work with. Older workers seemed reluctant to attempt the electronic voting
	Need more training for exception situations, i.e. voters who registered but are not in the book.
	One of the workers kept going out to smoke quite a bit. Other workers did not introduce themselves for awhile so I had no idea who they were
	Needs better organization. Could not make training -conflict
	I enjoyed the day and the people. It was an eye opener as to what volunteers had to do. Most voters though that they did not have to show ANY ID.
	The voter sign in books need updated to remove deceased voters - use online registration and updating of individual voter addresses - so the

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	updated voter cards with correct polling places are sent timely.
	Several voters claimed to have registered when they applied for a drivers license, yet they were not in the book. The polling location was not set up correctly by 6:00am.
	Lines were not marked clearly enough (alphabet) so some were in the wrong lines. People kept taking the marking pens so they thought they could use their own.
	I work precinct 22 in Pleasant Hill, Cass Co., MO. The building does not have sturdy tables or enough of them to cope with the high volume responses that accrued during the day. The table I was using as a judge collapsed just after we closed the polls. Thankfully. - The phone line does not transmit results. Either replace the line with a data line or cope with us taking the machines directly to the courthouse for downloading. - Since I am (at age 58) the youngest judge it amazes me that the older worker (74-87) are expected to move and set up tables and chairs AND the voting equipment set up the morning of elections. If the deliverly people could set up the machines and all we had to do when we arrived is the certification processes, etc. -Scrambling to get it all done between 5:15am and 6:00am creates unnecessary stress. - The print on the voter signature books is difficult to read (even for young eyes) and should be split into more books, the larger sections (like a letter 'S' or 'M' after the voter records are updated. Many of our voters would ask us to remove some spouse's name because they were deceased or Alzheimers patients in facilities they will r
	I asked to participate in any "after election" discussion groups -for free - to improve the process. Than you for asking my comments.
	-{Respondent's name}
Chariton	There was not a need for my services at this election.
Christian	I was hoping to work but I didn't get the chance. Thank you. I hope I get to work sometime.
Clay	There were several comments from voters re: the lack of leadership by the poll workers dealing w/ those who were not in the book rather than take those prospecting voters aside to work out the problem, the workers made dozens of people in line wait unnecessarily. For those who were on a break from their jobs this was unnerving and discouraging.
Clinton	I would like to work if Clinton County would contact me. - {Respondent's name, address, and phone number}
Cole	Notified after election
Dallas	Most voters were content. We really could have used another booth. But this was high turnout election.
Dent	First time working and the experience of other workers helped me ease right into being able to work easily and with confidence of doing the job
	I would have liked to have had more training for the handicapped accessible equipment.
	None really -- just that for some of the individuals on the ballot (judges), some individuals would have liked to have known the party affiliation of these individuals even though they were yes/no questions of whether the judges ought to be retained.
Douglas	It is a long day. The booth for handicapped was never used and took a loooong time to tear down
	Thought before-hand it would be insufficient but the day shaped up to be just fine
	The polling place was inadequately marked. Some confusion about required ID. The handicapped booth was a nuisance. It took at least a half and hour to tear down. Most people just brought someone with them to help, which makes more sense. If you insist on having one of these things at least make it easier to dismantle it and count the votes. This is ridiculous. Several people brought someone to help them or asked for help. This makes a lot more sense. If you insist on having one of these things, at least make it easier to dismantle if no one used it. There should be a way to

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	<p>simply take it down. I believe our count was one off (less) than tabulated by the machine. It was difficult to watch and make sure that we did not give a ballot to anyone who had not signed in. I don't know what could be done about this. Especially in the busy times. Maybe a stamp on the hand after signing the book? That would be better than an "i voted" sticker but wouldn't keep cheaters from voting twice. Polling place was in the basement. One lady couldn't find it and suggested we place signs upstairs on the doors saying basement. Would be easy to do this.</p>
Franklin	<p>My application to become a Notary was accepted. This disqualified me.</p> <p>Need more booths / machines for large turnout</p> <p>Just went as a last minute fill in so I was not trained ahead of time but overall was okay.</p> <p>Not enough booths / touch screen machines</p> <p>Need to find some way to return ballots without it taking an hour in line. Judges start set-up at 530 am and don't finish until 930 pm for \$95.00</p>
Greene	<p>I was out of town during the training dates.</p> <p>I was contacted 10 days before the election at which time I could not work around the training times.</p> <p>I am a teacher and worked the Aug election.</p> <p>The people I worked with were wonderful people.</p> <p>Worked as disabled machine monitor in small precinct - no voters on my machine - very boring. Training was extensive, felt confident in my ability to provide service if required.</p> <p>One poll worker seemed to think she was the supervisor at our precinct. The experience would have been more pleasant if she had simply done her job without comment. Our supervisor was completely knowledgeable and did a fine job without a lot of commotion.</p> <p>There were rules that I was not aware of, but nothing serious.</p> <p>I worked the handicapped voting machine and had no one use it all day. Directions on equipment all step by step and easy to follow.</p> <p>The man who had the keys was 1/2 hour late; therefore we could not prepare the materials before the onset of voters that came and had to wait.</p> <p>The supervisor (name) I worked with was very knowledgeable and as the day wore on, I felt more comfortable.</p> <p>No sample ballots provided except in newspaper, did not get newspaper.</p> <p>We were thanked for the work we were doing.</p> <p>We need pens that do not roll off the tables.</p> <p>Mr. Struckhoff gave a fine training session and I was able to take notes from his remarks. After I received the packet, all fell into place. Attended training; had no packet to instructions. It was my first time and was told I would be called if needed. I was contacted and sent packet which I studied and felt confident on Tuesday.</p> <p>When packing up and getting ready to put everything together to take to the courthouse I found 2-3 different sets of instructions on what to do and how to pack up and close the polls. There should be only 1 set of instructions, the most up to date, at poll site. also, the instructions seem to be so intricate and long that they are sometimes confusing. I believe we've tried so hard to cover each and every situation that may come out that we've made the simple things more difficult to understand.</p> <p>Instruct workers to do their own job and clearly designate supervisor in charge.</p> <p>I received notice of training but then went to the hospital for a week. Keep me on the list!</p> <p>During election with heavy voter turnout anticipated, it might be beneficial if voters were stamped on the back of their hand once they have signed the voter log books. This would ensure individuals would not receive a ballot unless they had been verified as a registered voter.</p> <p>Most were patient in line. I think only a few persons were complaining. Some people then thanked us for doing the job.</p>
Henry	<p>This is just my second time.</p> <p>Voters were very patient due to the fact we only had four workers in Ward 3 and there were many address changes etc. Also there was a heavy</p>

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	A little more one on one training for new judges such as myself in order to have more confidence in helping. Also to insist that duties rotate during the day so that each person working can fill in anywhere.
Jackson	I was not contacted. I did not get the information submitted in time for this election. Thanks.
	Did not sign up in time, but would like to help next year.
	Very disappointed in process. I was ready and willing to serve.
	I noticed at most of the polling locations the workers were senior citizens. That doesn't seem fair since no one gets to learn how the process really works.
	This is the third time I have signed up and not been contacted or used. I worked one election but the next one I was called for my husband to have surgery and I was unable to go. Maybe that's the reason they don't call me.
	Need to do their job better. I wanted to work but wasn't contacted.
	No openings within my travel distance.
	Wasn't called
	The old folks (supervisors) were awfully set in their ways. My house was right across the street from the polls and the supervisors said I couldn't leave for lunch. I left anyway for 30 min. and told them they could fire me.
	Was not able to reach election office by phone for most of the morning.
	could have used a couple more machines
	The supervising judges at my poll were both excellent! Some time had passed since my training and it was my first time working so it took a little while to refresh my memory at first.
	I had help from other judges who had worked the polls previously.
	I worked with a good group. All workers were very capable both physically and mentally which is important.
	Although most of us either were relative newcomers or rusty our supervisor made it easy and as enjoyable as possible. First time judges should
	It was my first time working the polls and I enjoyed being of service more than I thought I would. No comment on training.
	I found the election board employees to be hardworking and committed to a fair election.
	I went to training but was unable to work because of being ill. Training was good.
	On the job training is the best training. The ballot counter kept spitting the ballots back. Many suspicious voters that though there was conspiracy of some kind.
	The voting machines sometimes would not count the votes, not enough training was given. ID was asked for and voter was refused for not having it!
	Interest in more electronic voting. Some confusion as to poll locations.
	Complained about showing picture ID
	Our poll was busy and there were often long lines to check in. It might be best to reconsider dividing the alphabet into 3 parts instead of just two.
	One machine broke - where the voters were not allowed to put their ballot in the "scanner" they could only put in black box - one person complained that she didn't think her vote would be counted.
	There were no voter complaints at the poll I worked, but there were plenty of problems at the poll my husband voted at. It was poorly run - many rules were broken and there were very long lines.
	Either more lines or break the last 2 up at G-R, S-Z. Otherwise most were happy except about the new voting machines.
	Confusion between Kansas City and Jackson County Election boards. Not enough operator answering phones for help. Some workers required identification. Bad location of polls
	Basically they were all looking for a change in government. I talked to a lot of people, a lot more seem to be interested. Even though I've never worked as an election judge before I have developed a great passion to try to do whatever I can to help right some of the wrongs of federal and local government. Also to help in anyway to do a good job at whatever my assignment may be.



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COUNTY	COMMENTS
	Get rid of the old folks.
	at my polling place in south Kansas city things went fairly smoothly but it was way too crowded and people were squeezed together at a table which didn't allow much privacy.
	I made a follow-up call to my election board, which was never returned. I left a detailed message. These people need to be accountable for their incompetence.
	We need to require photo IDs. I believe more than one individual voted at our location under someone else's name. - Each polling location needs a computer set up to verify a voter corrects. We need more judges and perhaps some could work half days. - Training could include role-playing difficult situations likely to occur on election day.
	notification to volunteers whose services are not needed would be appreciated.
	Make sure the software works in the scanners - test it on a larger scale than just 3 or 4 ballots. The software quit working after 8 votes.
	It is extremely important that poll workers are physically and mentally capable of doing the job. They must be trustworthy and have a good memory. I have worked the polls as a supervisor for voter 10yrs. And have seen elderly people working who are not really capable and make many mistakes. The majority of these are Democrat workers. Case in point -- John Knox Village poll workers.
	I think instead of using the sticky numbers for each voter, that the sticky numbers should only be used for those who are not registered at that particular site. I may not be saying that quite right. But for all those that are on the list for that particular poll or site than numbers should accompany their registered info, it would be less time consuming.
	my polling place that I voted at seemed very unprepared. They had the votes all mixed up and many people had to vote over after they figured it out. There were 2 districts crammed into one tiny place.
Jasper	We had more voters than anticipated - ran out of ballots - machine for seeing impaired didn't work properly. I enjoyed working the polls but did not enjoy working the machine. It was a very difficult piece of equipment.
	For the most part, voters were impressed.
	My personal opinion regarding the machine I was responsible for is that they should have only a few located centrally in the county instead of one at each polling location, and then provide transportation. For our poll only one person asked to use it. But after they found out the process and time element involved they chose to have the person with them fill out a ballot for them. This machine was a huge waste of taxpayer money, and I believe the Secretary of State should do something about this.
Jefferson	Not contacted. Very disappointed.
	I was disappointed that I was never contacted. I can hardly believe that there wasn't somewhere I could have helped. I would like to work the next presidential election.
	I always hear that you do not get enough registered Republicans working at the poles. Now I know why you don't contact us even though we request to work.
	was not asked to work polls this past election
	It feels good to see democracy in action.
	Luckily I had a partner and between the both of us figured how to assemble and disassemble the touch-screen and parts. Surely there's an easier and quicker way. The 3 of us had to take turns lugging that thing at least 1/4 mile to the fax machine and when we got there it didn't go through
	It was poorly organized. No one got information until last minute - whether veteran worker or first-timer.
	I had a wonderful time working cooperatively with my bi-partisan team. I was pleased that I was not forced to sit through hours of training since I learn very quickly.
	I was a roaming DRE technician doing troubleshooting at various polls. Everyone was very nice and grateful for this help! There were still some problems that we encountered that weren't covered in training, but we had someone to call for over the phone assistance while in the field

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	Went through training on new voting machines, but didn't go over any general processes, procedures, etc. However, since I was working with experienced supervisors everything went well.
	We were understaffed because no Democrat supervisor was confirmed before hand. There was a woman with a very serious complaint and we could not help her. We had no form to register her complaint and the problem could have resulted in a different voting station's results all being thrown out because they were not following fair voting practices. Voters privacy was not being protected. There was very little training. I felt very unprepared if there had not been one veteran poll supervisor we wouldn't have gotten anywhere!
	I have no other experience to compare to. I found out the night before that I was supposed to work the next day (no training).
	Did not have any training. I had a conflict I had worked the previous election.
	I have experience as a corporate trainer. The training I received was totally inadequate.
	For new volunteers, training is not adequate. I have volunteered as a supervisory judge for three years and the training has served as a review. New workers need additional time to learn everything.
	Boy it's busy! What number am I? Has is always been this busy? (We had about 100 voters per hour
	Definitely could have used more training on touch screen machines - 2 is not enough. Voters were very unhappy we ran out of ballots at 5:30pm certain parts of the alphabet had much longer lines at times; parking outside the school was a bear.
	Not enough parking - it was at a school and the lot was full from staff vehicles
	Unfair that some people moved ahead in line and practices should have been posted. "They changed my voting place and I don't know where to go."
	Not many complaints except for parking problems.
	Not anything major I can recall.
	Ran out of ballots about 20 mins. After polls opened. Long lines for the 1 electronic machine. More ballots were delivered.
	Most had positive comments about their experience with the touch screen.
	I would love to work at the polls. I just was not contacted. Maybe next time.
	long lines. With only 2 books, we had 2 lines and the line for first part of alphabet was much shorter. The ones in long line didn't like that people that came in later than them didn't have to wait as long.
	Why are damn foreigners allowed to vote. If you can not prove who you are why should you be allowed to vote. {Respondent's name}
	We had 2 books. Unfortunately, most of the voters were in the l to z line causing a long wait. They became agitated when individuals walked right in and voted in the a to k line. Four books would prevent this problem.
	Maybe we could have split shifts, as was last time. I would like for the VFW in Cedar Hill to be another polling place. People were upset with the changes and moving to this polling place. The VFW claims they would lose money from Bingo not being played that night. Maybe they could change the Bingo day to Thursday instead of Tuesday. Either way there's way too many people traveling very far in this section of the county to vote.
	I have much more confidence in our incoming county clerk.
	My observations surrounding the November 2006 elections in Jefferson County - 1. I had a hard time volunteering as election judge. First I went to the Jefferson County website, where I clicked on the link to volunteer as election judge. That link took me to the state site where I signed up. But a month later, apparently my name had never been forwarded to the county folk. I finally got my name in the pot when my wife was called to ask about being an election judge (which she had done previously). They appeared to be having a tough time finding people to work the polls. Which is no wonder, if volunteers like me were getting lost in the system! 2. I was pleased to see that two judges at each polling place were especially trained in how to use the new electronic equipment. This was a good move. 3. I was pleased to see that many of the 'old fogies' were being replaced by younger folk who could still hear, see, solve problems creatively, and be pleasant to the voters. I felt that all the members of my team were dedicated, hardworking, and trustworthy. 4. There was a BIG customer service problem when it came to folks who weren't listed on the rolls. We had to call in to the office and then wait up to an hour on hold before we could tell these poor voters where to go! I suggest that we have our own database at the polls for looking these people up.
	5. If the schools could take the day off, or have everyone park somewhere else (including the poll workers) then there would be enough room in front

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	<p>of the building for voters to park. 6. Basic supplies were not sufficient: Our touch-screen machine ran out of paper and our pens for the optical scan sheets ran out of ink. (I made a trip to OfficeMax midday to keep the lines flowing smoothly.) 7. Signs telling folk which line to stand in need to be placed up high. Placing them on the front of a table does no good when there are lines! I suggest putting such signs on stands -- and some ticket-line ropes would be very helpful too! 8. The lists of registered voters should be bound in a larger number of smaller booklets so that they can be re-distributed among the lines as needed. Different parts of the alphabet showed up in large numbers at different times of day -- and then felt discriminated against because their line was so much longer than the others! 9. My team was able to speed the lines along by setting up additional stations for filing out ballots at tables, rather than relying only on the stand-up desks designed for this purpose. In short, I feel that this past election went very well, but that there is room for improvements in 'customer service' to the voting public. In particular, I hope that future election judges continue to look for ways to make it easier for the public to vote. Many of the 'old fogies' mentioned before take the attitude that nothing can be done; people will just have to wait, or not vote! Whereas me and my younger teammates felt instead that it was our job to creatively think of improvements to the system. I look forward to working the polls again in the future. I'd even be happy to be a supervisor, should you need one. (I worked as one of two technical experts at my site this last time.)</p> <p>It might have been better if we had some sort of identifier (uniformed shirt, badge, etc.) that identified us as poll workers when we went to the polls for troubleshooting the DRE machines so folks didn't think we were just a regular "joe public" walking in off the street asking if they needed help.</p> <p>It would be nice to have pre-made signs with letters that match the books (i.e. A-F, G-J) etc.</p> <p>Possible to make election days longer, like maybe two days instead of just one, or maybe hours longer for main elections. Voters did not receive any paperwork from the state on where to vote.</p> <p>I was proud to be part of the experience but disappointed at how little preparation I was given. I had one two hour training session on the touch screen and told there would be further training the week before the election that never happened. A second set of the election roll books would have been helpful because if a voter had an address discrepancy or problem the appropriate book was taken aside with the supervisor and other voters listed in that book would have to wait while the conflict was dealt with. We ran out of pens and had to buy more because the ink ran out, we called to have more delivered but they never came. Specific poll workers should be designated for special needs voters: disabled, elderly, curbside voters. And specifically what kind of "help" we were supposed to allow. We needed some kind of form for unhappy voters so that they could register their complaint in writing so they left satisfied. I was personally unable to vote because my voting place was changed after my poll working station was scheduled for whatever reason could not be changed. We were too busy for me to leave, even to cast my vote or take a lunch in good conscience.</p> <p>My observation at the polls: Not enough training, no organization in polls. Some voting places were too cramped and not enough room. No one was directing voters. I think my polling place was too small even for 50% less voters. I was next a 1st time voter. I don't think she had a good experience.</p> <p>We ran out of ballots again in the afternoon. Then we used photo copied ballots for the rest of the day. I believe the ballots should have been checked before they were delivered to the polling place. We ran out early because we had the wrong ballots. Supervisor was unsure of what she was doing before the polls opened and after the polls closed. She maybe needed more training. Could use more people to man the phones. When we had questions or problems we could not get through. We waited up to an hour a couple of times to get through on the phone.</p> <p>I was very disappointed that my local election authority/clerk did not even call. I was willing to go almost anywhere in Jefferson County to volunteer, yet I was never contacted. When I didn't receive any notice about training, I called Secretary of State Carnahan's office. I was told that I was on the volunteer list and they would contact the local election clerk, etc. and ask them to call. The local election clerk never did call. The poll where I voted was swamped and could have used more help. I just LOVE seeing my tax dollars work so effectively!{Respondent's name and address}</p> <p>I would like to when asked. I was not asked this year.</p>
Laclede	<p>I was contacted but was not needed this time.</p> <p>I never realized how much was involved. It was a real learning experience. Actually working at the polls was the best training.</p> <p>The main problem was voters who did not know where to go to vote. Voters did not know they had to reregister if they moved to another county.</p>
Lawrence	<p>My name was on the ballot.</p>

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	When a voter was sent from one polling place to another, several times the proper form was not sent with the voter
	Not sure based on unpredictability of my son's health and my future employment.
Linn	Person in charge {name} did an excellent job in coordinating everything. Election day was a breeze due to experience of {name}.
Macon	not even minimum wage \$75 for the 14 hour day and the 1 hour pre day training poor pay!
	I know that I've only had the one day but it seems that many are committed to the community and willing to teach non partison a good thing.
	I felt like the process could have been easier for them if they knew they were required to have ID before they entered the building.
Moniteau	It was after election that I sent my name in.
Morgan	I worked both primary and election day as an absentee judge at the county clerk's office so no prior training necessary, only verbal instructions day of election.
Newton	I was contacted by the county clerk, however after she asked me if I was a democrat or republican, and I responded Democrat, I was never contacted again.
	Kay Baum and her staff provided excellent training and support. The large turnout was manageable thanks to their efforts. Election day was hectic, but the poll worker training prepared us well. We needed more hands and more tables for voters, but poll worker confusion was not an issue.
	Elderly voters did not like the "complete the arrow" style of our ballots. Some voters felt the ballot was too long. Voters wanted a larger polling site to make the whole process faster.
	For election with a large turnout assigning two additional poll workers would facilitate curbside voting, verifying registration with clerk by phone, and would allow poll workers a chance to use the bathroom without voter disruption.
Perry	All positions are full at present.
	friend is a poll worker in illinois. He enjoys work and convinced me to give it a try. I'm looking forward to training and opportunity.
Pettis	I initially contacted the SOS office not the county clerk.
	I don't think I signed up soon enough.
	It didn't seem to go as smoothly as it has in the past. Not enough pens to mark ballots. Table was very uneven. The workers just didn't seem to be prepared.
	the site should be ready for voter. Ample equipment, neatly organized, stickers passed out. Could remind other people to vote when they see you wearing an I voted sticker. I know this sounds petty but when the voting place looks nice and everything runs smoothly it gives people a better feeling when they leave.
Phelps	I think I called too late. I believe someone called needing to know political party. It is Republican.
	I probably did not sign up early enough.
Platte	Once we were set up and functioning there was nothing to it. I worked with the electronic machine and felt I should have practiced with the set up a second time. We also had a paper glitch while setting up and had to have another roll brought down.
	most voters thought we were an efficient , well set up site with enough workers to keep things flowing smoothly. All but one voter loved the electronic voting, even those who timed it out! Several friends who worked other sites said they did not have enough workers for the large turnout

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	such that were all exhausted and voters complained about lines and wait time. my own polling site (not the one I worked) does not have enough parking for the number of voters and this led to many complaints and a number of voters who left without casting ballots.
Pulaski	I was contacted and they asked if I was Democrat or Republican because they said they had to know. After I answered them they never contacted me again
	Most voters were happy the books were broken into 4 and not three and the lines were not long.
	I noticed that the "No Electioneering within so many feet of the door" rule was NEVER enforced
Shelby	I was contacted when I first signed up but told they had enough workers for Aug. Then right before election they called and said they could use me after all. I had a doctors appt. I couldn't cancel and I never heard from them again.
St. Charles	I did not want to work as the only designated part affiliate available
	My only complaint is there obviously weren't enough phone lines at the St. Charles county election board. I was cell phone judge. I made
	My role: cell phone clerk. Role is not supported adequately by local election authority. If cell phones will be used in the future, there must be a way
	to support it more effectively. Much of the day consisted of me hitting redial on the phone to reach a busy signal. At many times throughout the day,
	I had one or more voters waiting for information. Voters become upset and agitated that I could not get through which is unfair to the clerk. Judges
	at the tables send all the problems to the phone clerk. Clerk (phone) role taxing. I had 6 voters between 4-7 pm. One of the voters waited 1hr
	45min. During this time period, I was never able to reach the election authority.
	I worked at the orchard farm precinct 4. it was very slow.
	I was unfamiliar to the point of comfort in terms of handling provisional ballots, voter transfers, etc. Opening and closing was also confusing.
	Need better clarification on how to handle write-in ballots; difficulty getting in touch w/ county office to clarify voters with changed addresses.
	Lots to go over...little time spent.
	I was a roaming DRE technician doing troubleshooting at various polls. Everyone was very nice and grateful for this help! There were still some
	problems that we encountered that weren't covered in training, but we had someone to call for over the phone assistance while in the field
	Great experience - BUT a MUCH too long day. A little more hands-on before election day would have been helpful. The documentation for DRE
	machine could use improvement.
	A+ experience. I was excited to and am anxious to repeat. Excellent teamwork from experienced poll workers helped my first election experience - a
	very positive one. It helped to be paired with a few seasoned workers
	Not ample training, a long period of time maybe use shifts - not all judges were clear on some of the rules (telling counters # of voters) I was a
	"supervisor" with no prior experience and 1 day of training.
	Some frustration with not being listed on poll roles.
	The only comments were about the layout and not enough lighting. The election went fine though.
	I believe more voters were expecting to use the touch screen electronic voting. It is a much easier process and takes less time when they have a
	fake ballot to look at while waiting.
	Many folks were not ready for electronic voting and were pleasantly surprised when they received a paper ballot. The only complaints I received
	were because one of the poll workers was especially loud and distracting.
	Two precincts in same location -should be split - there are enough locations this could be done.
	Our polling area was at a high school; guard at entrance stopped everyone for credentials until we went to office. Office should have prepared guard
	prior. Too many activities after school led to few parking places and some people saw the full parking lot and assumed there were long lines and did
	not vote or were surprised when they came in.
	Happy by how smoothly and quickly we got people in and out. Not enough help at court house when you needed to call in. Tried calling for an hour

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	and a half before getting somewhere.
	Did not know where they were registered to vote
	I was a cell phone judge. I made approximately 25 - 30 calls and never got through. I phone was rendered useless because the line was always
	2 precincts voting at one location, became confusing at times. Some suggestions would include the ability to call a number and be placed in queue
	(hold) until someone is available. Would it be possible for election judges to have access through an online source such as laptops or PDA? Self-
	serve. It would also be suggested that everyone shares this responsibility - exception the supervisors. A rotation throughout the day may work.
	Perhaps if there was an electronic site for voters to check that they are listed in the proper precinct or if at all.
	We need election reform. How about no political signs on election property?
	It might have been better if we had some sort of identifier (uniformed shirt, badge, etc.) that identified us as poll workers when we went to the polls
	for troubleshooting the DRE machines so folks didn't think we were just a regular "joe public" walking in off the street asking if they needed help
	The DRE paperwork - First off, the instruction for setup and closing (especially with the pictures) were adequate, but hard to use due to the
	enormous size of the instructions. With printing on front and back and 8 instructions per page I would suggest something that can be held in one
	hand with just a few instructions per page. I had a blind person come in. I remembered to attach the screen reader and the earphones but I didn't
	remember until she left (I had assisted her with voting) that I had to program a different type of ballot for her. I would suggest a revised set of
	instructions here too. Perhaps have a page that works through a handful of scenarios - something quick that would have reminded me about the
	audio ballot. Were were told during training to have someone else read from the instructions while we set up the machine. In practice, this turned out
	to be a ridiculous notion, every other body in the place on Election Day was busy with their own tasks. Thanks for asking
	Absolutely looking forward to working again! We had an automated booth for the handicapped voters. People were confused about what they heard
	in the media about automated votes and many were distrustful of paper ballots if we were supposed to be automated. Wondered if their vote actually
	got counted. We were so busy this day it was near impossible to take bathroom breaks much less lunch break. Dinner break was non-existent. Next
	time I'll know to pack breakfast, lunch, and dinner. Our site was not very accommodating. During training it sure seemed as though we would have
	enough extra to sub in and out for breaks. That was not the case. The only way it could have gone smoother was for the school to have prepared
	better by alerting the guard to waving on voters in the beginning instead of asking for drivers' licenses. The school had many activities scheduled
	after school and people kept walking between our tables and voters to get to wrestling practice, 7th grade parents meeting, band practice, and
	marching band making things unnecessarily confusing for voters and taking time from our registration duties asking us where various activities were.
	If they insist on having multiple
	activities and not stopping for one day, then they need a representative out front telling people where they need to go. That was frustrating and time
	None really. Our lines flowed well. Most people were very understanding when they found out they were at the wrong voting place. The telephone
	helped. I was able to call in and get the proper place for these individuals. It would be helpful to have more telephone lines open during voting time.
	I received a busy signal most of the time. However, when I did get through, the people answering my questions were very knowledgeable. Thanks
	for a good experience.
St. Francois	I felt I was put on the spot and taken advantage of in regard to how lunch was handled. I was also told what time to put on record for when I arrived
	when I was actually earlier. I felt like I needed more hands on training with the bookwork prior to election day.
	Everyone did a good job helping each other. The people that worked before helped a lot.
	No judge at the polls knew about the electronic voting machine to a degree to fully explain to voters.
	This was my 2nd election to work and I was supervisor so it was nerve racking but everything went well. I think no matter how much training I had,
	the anxiety would still be there because it's a lot to deal with, but the courthouse is there if you need them.
	It took a lot of time for some voters to find out where they could vote. One couple was there 1/2 hour. The supervisors didn't know how to get the
	new voting machine to work.
	Most were please at how smooth it went.



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COUNTY	COMMENTS
	<p>Couldn't vote a straight ticket</p> <p>More booths, and a better and faster system to validate address changes and name changes.</p> <p>We had more use the new voting machine and they liked that. We had several voters this time who have voted in previous elections that were not in our voting books for some reason this time so we had to call the courthouse and make sure they were at the right place which took up a little more of their time and it should not have.</p> <p>In response to a newspaper request for poll workers last spring, I signed up online to be an election worker. No one ever contacted me. This summer a friend who is an election worker submitted my name, phone number, etc. Still no one contacted me. My conclusion: Missouri (or I should say St. Francis County) has no need for competent, intelligent, able-bodied workers for elections. If this situation should change here is my information...{Respondent's name and address}</p> <p>I think every registered voters name should be in the book. I'm not sure why this election we had so many that weren't (but that were in previous</p>
STL City	<p>They called a week before election; I signed up 3 weeks prior to this - already had plans for Election Day.</p> <p>was not able to get to the training session because of a schedule conflict</p> <p>i have been a registered voter since 1974 and voted routinely in every election.</p> <p>I just showed up and worked.</p> <p>She called the day before - with better notice I could have had more timing options</p> <p>Other poll workers sometimes surly; Board of Elections often busy signals.</p> <p>Other volunteers were not pleasant nor educated on the process and were difficult to work with.</p> <p>Bad training; insufficient manpower</p> <p>Polling place was very disorganized. Individual who put herself in charge did not go through refresher training and appeared to not know what she</p> <p>I appreciated the training but we did not anticipate the high turnout. Also the location was a school that was in session and all of the bells were distracting. We also did not have enough machines</p> <p>I only volunteered for free handing out flyers outside. No one ever contacted me about election judge training. I would work again only if I could work as a paid election judge.</p> <p>Although the election didn't contact me. I have a friend who is a council woman and told me where help was needed I thought it was a great</p> <p>No training, but I was fine because others were well trained</p> <p>Extremely busy - needed more touchscreens and another worker.</p> <p>Not very organized</p> <p>Technical specialist training was ok, but I wish I knew election process better.</p> <p>The change of name/address process was confusing at first; then with experience was ok.</p> <p>The training was disorganized and the worst PowerPoint presentation I've ever seen.</p> <p>"Dept. of Motor vehicles was supposed to change my address." "Never got card." "I'm tired of waiting on the machines."</p> <p>Most were friendly to me outside.</p> <p>Lines were not great, not a good sense of order. Touchscreen took too long</p> <p>Long lines - paper faster than machines</p> <p>1. Lines too long 2. Forget the electronics that's a lot of money to spend when we don't even have good public schools in the city. Very valid point I</p> <p>Observing supervisor confirmed training and all was simple after that.</p> <p>No complaints, people working with me made for a very pleasant day, which made the voters have a great day.</p> <p>Lots of problems with registration records not updated to current addresses. Also touchscreen voting took far too long!</p> <p>Note: I received two copies of this survey (and two letters earlier). Please be more frugal with the state's (my) money and check your database.</p> <p>1. Use the touch-screens for handicapped only - they are too slow. The optical scan ballots are very easy to understand and use. 2. A flow chart</p>

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COUNTY	COMMENTS
	showing what kind of affidavit for each situation would help enormously. 3. too complicated a procedure - simplify the judges job. Instead of touch-screens for voters get touch-screens for judges and eliminate the voters books. Have people sign an electronic signature machine and judges could use their fingerprints to authenticate it.
	Polling place needs more stations for completing paper ballots. Voting machines took too long, always had a line of voters waiting. Voting machines were very unstable. Had two but one broke half way through the day. Should be maximum age limit for poll workers. Our admin. never showed up and only one of the ladies in charge knew anything about the forms. Traveling judges allowed people to vote even though we had no record of that persons registration.
	The election commission should consider reviewing the people much older given the highest positions of an election worker. I saw first-hand in-fighting among workers and others taking the position they didn't have to work, because they would still be paid. I believed this election was so important no one should have been present for the money. There was another worker who took 2 hours for lunch. I was happy to be there but I was stunned at the behaviors of some managers and poll workers. -{Respondent's name}
	Was very disappointed that I was never contacted. My company, A.G. Edwards, was encouraged to participate. Asking people to volunteer and clear their schedule-only to be not contacted is unprofessional and makes people not want to volunteer again!
	One of the judges told me she would see that I got paid. I haven't received that payment yet - I'm wondering about it.
	It would be nice if I would work at the polls for a half day. It's very difficult for professional people to commit a whole day to the polls. Many of my colleagues would have like to volunteer as well but the schedule had no flexibility for that. You would likely get many educated, literate, upstanding professional volunteers if there was a bit more flexibility, Thank you!
	Electronic voting machines were well received and embraced by too few in number. Many who wanted to use them could not because of their limited availability.
	Robin, Hope you read this! I realize you are not a resident of St. Louis City but why do we spend money on these electronics when we don't even have a good school in the city. If the family can afford private schools, then only can/will they move to the city soon. That might not be the case and then the city will be much worse off. I've lived in the city 25 yrs. and I think it's sad that the public schools are so poor - when I was a little girl they were top notch - so were the teachers who really cared. And by the way, why can the apartment landlords/tenants get by with trashing our neighborhoods? They can put carpet, furniture, whatever out by their apartments but if I am a homeowner and did that I would be prosecuted/fined. What's wrong with the political system in the city of St. Louis? I love the city, but I always tell everyone, don't move here unless you will send your kids to private schools. Isn't that sad??? Let me know what you think, Robin.
	I think the people from the local election board need to follow up with us.
	I signed up to work after seeing the article in the St. Louis Business journal. More young workers are needed and my generation is ready! Being able to work 1/2 days would be better for most people. - {Respondent's name}
STL County	I was not able to commit to the long hours required.
	I was contacted the day before the election and need more notice. Had no training.
	It was a long day, but who cares. I love doing it.
	I live in South County and was called to work in North County, 45 mins. Away from home. I would work if it was closer.
	I probably did not sign up soon enough.
	I wanted to work half a day only.
	Couldn't give an entire Sunday to training.
	Was contacted the day before the election to come in for training. Had no time to change work schedule and training was only held during the day.
	Considering the need for poll workers, I find it absolutely ridiculous that I was not contacted to volunteer.
	It is too long of a day...4:30am to 7:30pm. I would work if I could do 1/2 day.
	Would not allow me to serve because I would not declare myself. I have never voted in a primary. I vote for the person not the party.

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COUNTY	COMMENTS
	Perhaps because I said I had no car, the board tried and failed to find a place near my home.
	Could only offer me stand-by (no site confirmed)
	I have children who need to get to school. I would prefer a half day to take care of my kids.
	I was contacted by someone to verify my information; was told I would be contacted again but never was.
	No one ever called me to set up training. I called them twice.
	Even though I didn't get to work or even go to training, my messages were returned promptly!
	Since my expectations was it would be a long day and it was my first experience, it was actually a good one.
	First time poll worker, I had a really rewarding experience and I would do it again.
	The main problem is we were short a person.
	Space too small, no one to relieve for breaks, lunch, etc. Needed one to two more people so that the older folks working could take breaks, lunch. I am 39 years old and had no problem doing double-duty while an older person went to restroom, lunch, etc. But, the older people could not keep up with the double-duty and made a lot of mistakes and had very long lines of voters. I strongly recommend having at least 2 more people to serve as floaters. Thank you for allowing me to voice my opinion!
	Was not explained about the distance that people passing out pamphlets had to stay back from the voters in line.
	We ran out of ballots; only two of us showed up for our precinct. We had 845 voters.
	I started work at 445 am and finished at 930 pm. A roving supervisor found a doughnut and 1/2 glass of liquid when he learned we had not had a lunch break!
	Poll workers made it much worse than it needed to be.
	It was my first time and it was a good experience
	445am - 8pm is far too long with poor seating. Quality of performance suffers and makes work less attractive for next year. Missouri ID laws makes process tedious and frustrating for both voter and worker.
	needed more electronic voting machines, many voters had been incorrectly removed from polling lists
	I worked almost 20 hours and didn't mind, but my complaint is that it took way too long to get my check, we should have been paid that day
	This was my first time as an election worker and it was a good experience, but due to all the issues on the ballot I don't think anyone expected the staggering amount of voters
	18 hour day, low pay and contradictory instructions make for poor morale
	I loved working the polls. I would do it again. We had 433 voters. It was great. Thanks for letting me be part of it.
	Best crew I could have worked with. Awesome!
	An incredibly long day, and too few workers for a busy day. (no lunch breaks and barely bathroom breaks.
	Supervisor didn't seem too comfortable with the amount of training he received.
	Touch screens are great and work well if the ballot is short.
	Polling location was not set up properly for traffic flow, not enough workers. Out of 8 only 3 were able to get lunch. We need at least ten workers and hopefully younger ones.
	I enjoyed being a part of the process and I was happy to see a high turnout. Thank you for the training - it sure came in handy.
	Dealt with feuding Dem and Repub supervisors. Repub supervisor was fed up and left to go wait in his car during shut down.
	I would emphasize importance of following all procedures. Give more background on equipment. Explain more significance of bipartisan activity and
	Some concerns regarding our supervisor. Also, the person from the board who came was gruff. I know I did stuff wrong at the beginning. Maybe emphasize the books and what needs done with signature/ID - 1/2 of training was about machines and other more senior folks did that.
	Not enough hole, especially younger workers. Hardest 15 hours work ever. 15 mins. Only not standing. Not enough tracking from check-in to voting.
	I credit our supervisors for their knowledge. It made everything go smoothly.
	More training isn't really needed, but more direction from the on-site leaders is needed.

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COUNTY	COMMENTS
	Overall training was fine however the use of the scanning machine and the rules and uses of provisional ballots was not highlighted or given enough credit. Especially with the inability to reach the Board of Elections.
	Election day was run smoothly - thanks to our two veteran supervisors, with the exception of too few electronic voting machines. Training manual was poorly formatted and the trainer could have been better trained in group facilitation and adult learner techniques.
	Supervisors were terrific, the set up with the poll workers at the table was disastrous and the we were short staffed (not according standard though). The paper for the touch screens needs to have an indicator so you don't put the roll on backwards.
	Experience of previous years workers was very helpful. Lots of "unknowns" for me since it was my first time working.
	My first time so I have nothing to compare it to. I'm glad I did it, but it is more physically demanding than I anticipated. 4:45am till 8:30pm is too long to stand or sit. I would recommend having a mock election site with role playing until people feel comfortable.
	My employer, A.G. Edwards, encourage me to work. It was a good thing to do. I did not attend training but the supervisors directed my work closely.
	Constant work, barely a break for lunch time, and not enough workers or voting machines. Those that had worked before knew the ropes better.
	Need more training on how to look up where voters should go if not in book. Didn't know what to do or what paperwork to fill out.
	The work day was entirely too long, especially for the retirees, 430am to 845pm. But the election process was not difficult at all.
	16-20 hour shifts with no lunch/breaks is simply too long. Need 1/2 day shifts, better and more complete training, sample run-throughs, videos on what to do. Go over the "non-perfect" voter etc.
	Need to learn when certain crises happen how to handle the voter turnout, i.e. equipment breaking down.
	We were so busy no one got a lunch break. We were at the polls from 4:45am to 9:15pm without a break. That's 16 1/2 hours. Didn't get enough training on how to change rolls of paper
	Maybe more hands on with opening and closing the polls.
	Not enough poll workers to get lunch or a break. That is long hours.
	People are so unprepared. Training needs to be done according to job responsibility.
	The success of our precinct and experience I had was a direct result of our supervisors and experience they possess.
	Called the election board several time throughout the day and could not get through - "call could not be completed" Would have been helpful to talk to someone at the Election Board while working the problem table. I wasn't always confident that I was doing the right thing. Training for the problem table should be more extensive and make the assumption that contact with the E.B. will NOT be made.
	Co-workers were cordial, helpful, knowledgeable supervisors should have backed us on "no cell phone" policy. I was told I would learn how to troubleshoot problems on electronic voting machines, scanners, etc. But this was not done.
	It was very long hours, made worse by people who had done it many times before but kept making mistakes. We had to clean up before we could leave at 8:15pm. One short session with the teacher reading the manual to us definitely did not prepare us. We were not even told many things that we had to "play catch-up" about.
	I can't believe that at training you expect people to sit on folding chairs with two large training manuals for 6hrs without tables.
	I was trained as a supervisor asst. sup. But worked as a poll worker. I didn't feel ready to be a sup. But was confident as a poll worker
	Long - long day - has anyone considered 2 shifts? Minimal training - BUT I read the instruction book - it helped. Lack of training really showed in people handling the new machines
	Crew worked very well together. Felt very welcome as the rookie.
	It was a very busy time but some of the Board of Elections workers could have been friendlier.
	Venue too small. Everyone should be trained to do everything
	The poll workers were very nice and I felt like training was adequate
	Training was very unorganized and unprofessional.
	Training was good. However, until there was a rhythm going on Election Day, I felt panicked I would forget something while helping.
	I was in charge of electronic machines mostly - very easy.

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COUNTY	COMMENTS
	There were enough experienced people that I felt fairly confident early in the day.
	Wasn't trained just handed me your pamphlet and said pass them out.
	if we had had more people.
	We did not have enough help at our location. One of the machines broke down and people were lined up at 630 and the lines continued until well
	after 830. I believe our supervisors did the best they could. I did not have even a pottie break all day.
	Should spend more time telling and showing what is expected and what you do as a poll worker.
	Training is substandard, as is the usual. It needs to be much clearer with better examples so a worker can locate process for voting in the most
	common ID circumstances. Training needs to include hands on practice and the "signature book".
	training could have been organized better, brief video of set-up and take-down hands-on training with equipment
	Most voters were in a big hurry and did not want to wait more than 5 minutes
	Lines were sometimes too long and not moving fast enough, have more electronic machines
	Our training did not cover the new identification standard you office required. Voters did not like waiting for two hours to vote. We did not have
	handicapped accessible entrances. They suggested we put signs over the check-in line.
	At the ward I worked the voters would have like to have more electronic voting machines
	Too long of wait for the electronic voting machines. The ballot was so long it took over 5 minutes to go through. The number of machines should be
	based on length of ballot AND number of registered voters
	For those who weren't supervisors the training didn't do enough to familiarize you with the mechanics of voter check in procedures. Voters didn't like
	long lines and were vocal about not wanting to use touch-screen machines.
	Our location didn't have any major lines or problems. Voters were very happy and eager to vote.
	Traffic flow was a problem.
	Not enough touch screens. Some people did not believe that their votes would be counted.
	We only had 2 new workers (including myself) so we were a highly functional group. Due to high voter turnout, we could have used more equipment
	as it caused long lines for ALL equipment
	Why are there not more electronic units? Why are the paper ballots being used?
	Not everyone was receiving their voter card in a timely manner. And, thus, a few voters became upset when they got to the book table and had to go
	back to get their card.
	Voters got frustrated with wait but I'm concerned with accuracy. I can calm them reminding them of that.
	Can't vote straight ticket...had to wait too long.
	Need more computer voting machines for our site.
	Long lines to check in and use electronic voting machines.
	More would have liked to have used the electronic voting but the lines were much longer than the paper ballots. Some elec. Machines were also
	down. So busy I only took 10 mins. For eating lunch and 2 bathroom breaks
	Lines were too long and it was just easier to use the scanning machine then wait for an electronic machine; also frustration do to lack of ability to get
	through to Board of Elections.
	Not enough voting machines which caused more to choose paper ballots.
	Get rid of the older workers. People were very frustrated. There needs to be 2 dedicated workers per book and one person as a dedicated floater for
	the table for breaks and lunches.
	Wait was too long. Not enough new machines.
	Not enough privacy. I personally did not agree with the way our machines were placed -- but there was some "cord" issues. Need better system as
	people come in. Signage or someone to give oral directions.
	The polling place that I worked at was OK but the polling place that I voted at did not have enough poll workers.

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COUNTY	COMMENTS
	The touch-screen machines were too slow and broke down. The voter problems are opti-scan machines.
	We had no signage to indicate where they had to start when they came in. WE had too few touch-screen machines, and too many paper machines.
	Not enough privacy. Voting booths should have been facing walls - not the open. Supervisors at location were unwilling to move b/c it had always been done this way before.
	Not enough privacy. Voting booths should have been facing walls - not the open. Supervisors at location were unwilling to move b/c it had always been done this way before.
	Because we had new voting equipment, the poll workers had to do double and triple duty in certain areas, in order for the other poll workers to teach the voters how to use the new voting equipment. We needed dedicated workers for the voting machine separate from the regular.
	People left because the line was too long - you need more places to vote for bigger groups, colleges, etc. People did not trust machines, workers didn't know what they were doing. No privacy.
	"voting electronically is not safe and be cheated" ... "seen it on T.V."
	Need more touch-screen machines. Many machines were out of order a good part of the day because of paper jams. The technician couldn't fix them. I called repeatedly but no one came in.
	All complained about the wait. People used the reader over the touchscreen because the touchscreen line was longer
	There were some upset because they had moved and was not on our books and they found out that they had to go some place else.
	Lines were too long to use the electronic machines.
	Complaints - didn't want to turn off cell phones. - young lady threatened to kick my ass. My suggestion - clarify cell phone policy for voters - clarify what judges can do when policy is violated
	1. Too slow. 2. It would be nice to have volunteers who are not at the sit the entire day it appears they are exhausted after a 12 hour shift. 3. Not organized. 4. The new computerized ballot box is a great idea. These are comments I heard from standing in line for two hours.
	WE had enough training. In the classroom we weren't under pressure. Working live was a little stressful.
	Should tell workers what time expected to leave. Confusion over transportation.
	Paper ballots not working - equipment should be ready to go when door is open
	More of the new machines at Gotch Elementary
	Excited with the touch machines.
	only if endorsed by work. I would not use a vacation day to work at the polls.
	Not enough "touch screen stands"
	Why was one of the touch screens broken. Can't you fix it?" (comment from voter) The experience was one that every voter should experience at one time or another. One suggestion I have to make the pool of volunteers larger is to treat pole workers like jury duty. Employers should be legally obligated to treat poll working and jury duty the same. They are both civic duties which all eligible voters should be obligated to participate in.
	Too few electronic machines, not enough organization as people first entered the room. I also heard that some of the other volunteers were a little too cautious and deliberate. In other words, they were slow. But I thought it went well - these comments were few.
	Waiting too long to vote.
	Please consider offering several different shifts so a volunteer does not have to work the whole day.
	Space too small, needed better organization.
	Lines too long, not enough machines.
	Most didn't trust the electronic machines because of either no paper trail or afraid of hacking.
	some were angry about the long lines and the long wait. Some left the premises to return later and find the same situation. A couple of them threw their paper at us, said some hateful things and left. As I understand it, we were four people short. I know you cannot control the people who accept assignments and do not show up... but perhaps if the incentive were a little bit better, you would have a better turn out of poll workers. there is little glory and certainly a very small compensation for the hours worked and conditions experienced. some that I worked with said they would NOT do it



## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	Lines were too long and needed more electronic machines. Everyone who tried the electronic voting like it and said it was easy. The biggest problem at my assigned polling station was the poll workers. I was assigned to a different polling place than my own. The rest of the crew was significantly older, belonged to this location and have worked together for several years. The room was set up the same as always even though there was more equipment. This resulted in an overheated room with no place for people to stand in line. If there was more than 1 person, the lines bled into each other causing confusion. The poll workers greeted voters with "how do you want to vote" instead of explaining the 2 methods and the differences. Voters were confused and then would ask which one was faster. One supervisor constantly was on the other side of the room with a red Personal Electronic Ballot leaving us to work 3 machines with the other PEB. Several times I'd ask her for it or go get it to keep the line moving. One guy attempted to change the paper on the first machine that ran out but gave up quickly leaving me to change the paper on all 3 machines at ab
	New technology, they'd give each voter a 5-minute tutorial by bringing up the actual ballot and showing them how to make and change selections! I'd
	to people while getting the ballot ready and bring them to the instruction page. I was able to talk people through and answer their questions successf
	without looking over the voter's shoulders or at their machines but the other supervisors did not adopt this practice. They appeared at ease "helping"
	their neighbors.
	We should have had signs to show voters which line to get into. Line 1 for A-F, #2 for G-K, etc. There was a lot of confusion because of this. I had
	to direct traffic because of it.
	too long of a wait in line. Waited in line only to find out it was the wrong line or did not show up in registration books. Registered voters had to wait
	in line to vote but, found they were not in voting books requiring them to call the election board for an approval and number before waiting in line
	again to actually vote. I was the person who did all the calling to the election board and the wait to talk to someone was terribly long, up to an hour,
	to reach someone. a more efficient call center is needed for such a large voter turnout so that time spent waiting is minimized or ideally needed.
	Voters Were pleased.
	design of the voting process is very inefficient, as is the fact that so many materials that could be completed prior to voting day are left for the poll
	workers, e.g., filling out voting cards. I have many recommendations and would be happy to share them if they would receive proper consideration.
	otherwise I am far too busy to take the time. {Respondent's name}
	take questions at appropriate stop points, workers were nervous and disorganized
	My only complaint is not getting paid that night when the polls closed. It took way too long to get my check.
	Start recruiting and training earlier. Have more in-depth training and have more electronic machines
	Please hire more poll workers for the next Federal election. Please avoid changing the identification requirements the weekend before an election.
	Photo ID is not the answer to alloy voter fraud concerns. Electronic voting machines are a mistake. We should use paper ballots either marked by
	hand or by using a marking machine. The paper record our electronic machines generated was the main reason the machines broke down. Thank
	you for asking what I think.
	Voters would better know where to go if signs for checking station were posted higher behind the table. Voter books should have index tabs along
	the edge of pages giving reference every few pages to make it easier to find voters' names quickly. Shifts for poll workers so the day isn't so long
	(mine was 4:45am-8:45pm) You might also get more volunteers this way.
	We need more touch screens and more people to help man the machines.
	I felt undertrained on how to run the sign in books. I never touched machines until the end and folks told me what to do. Maybe in the future new
	folks can be shown one last time before polls open by supervisor how things should be filled out. I also recommend that you offer some conflict
	resolution techniques as part of training. Some workers were rude when voters started to get upset.
	One extra person to give each judge a break would have been nice. Otherwise, was great.
	Most of the volunteers didn't get scheduled lunch or breaks. We had a couple elderly guys almost fall over because they were so stiff from sitting. I
	worked at the Florissant poll. We had a crew of 2 supervisors and 2 asst. supervisors. I think 8 poll workers. We need 3 supervisors and 2 asst.
	supervisors and 10 poll workers. The supervisors and one asst. supervisor said they wouldn't return. The elderly workers are fine an small scale
	elections. But for big elections you need to get younger workers. It took an average of one hour and a half just get to the table. It never stopped. The

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	poll workers couldn't function well. They were forgetting to check what the person selcted and didn't tend to the ballots. The only time we made any head way was if a supervisor or asst. supervisor sat at the head of the table and drected traffic. We have a lot of wrok to do. Training was fine. The only problem experienced was the paper. Also, I know about 30 young people that volunteered but were not placed. We sure could have used them.
	I would work again only if my employer allows.
	There should be a pre-established schematic layout for each polling location. Too much time/stress at beginning of day trying to get set up. Perhaps one or two people could be available at open and/or close to help with the physical set up and break down. I know it's difficult to get enough volunteers, but most of the people I know won't or can't work/commit to such a long day. If there could be 2 shifts, with perhaps 2 people staying the hole time I think more people would be willing to volunteer.
	I thought that the paper ballots were much faster than the computer voting machines.
	What would make Election Day run more smoothly? I'm certainly glad you appreciate input from those that worked. Unfortunately, I did hear from one of my co-workers that day that she had indicated methods of improvement, and that none were taken seriously. I, too, will offer my comments, and what you do with them will be up to you. Upon entering the polling place, all voters had to register first by receiving a ticket, then going to their respective table to find their name in the book. There was no sign indicating that they had to come to that table first. Then, these tickets had to be numbered consecutively to indicate the number of voters coming in. This had to be done by hand. It would have been so much simpler to have a sheet of stickers numbered from 1 to say 2000. Then this worker would have only had to place a sticker on the ticket, and not take time to number each ticket individually - possibly making a mistake in counting, writing illegibly, or taking up precious time. Then the voter went to their respective table depending on the first letter of their last name. Again, if there were "inventory control tags" in the form of stickers loaded with their information, t
	registration ticket after they signed the book, again preventing making a mistake, writing illegibly, or taking up precious time. Then the voter had to ch
	paper ballot or electronic. I understand that eventually all voting will be done electronically. Then I'm not sure why we had four electronic machines ar
	six paper machines. A majority of our voters chose the paper machine just because the line to use them was shorter. I also understand that there we
	breakdowns of these electronic machines at some locations. Thankfully, that wasn't our problem. I do know that the gentleman that worked our
	"problem table" was quite busy, helping non-registered voters, changing the paper rolls in the voting machines, relieving workers that went to lunch, e
	As a matter of fact, I doubt if he even too a lunch that day. Although it was non-stop activity, I did enjoy the experience. I met some very nice people,
	and learned a little about the voting system. Being the secretary that I am, I just say many ways to utilize our efforts better, such as using pre-printed
	for repetitive information placement.
	The people who come by to check things out should give suggestions on how to better arrange the specific locations. More privacy needed. More training on what to do if someone isn't in the book and what to fill out if they are/are not in the right location. More training on exactly what has to be signed i.e. voter books, paper ballots, etc.
	Because of the long lines at the electronic ATM type voting machine and the 2 poll workers training the voters, this backed up the lines for the voters getting their ballots. At one point, I had the alphabet from A-R in my line. My particular district had more than 1700 registered voters. They did very well!! The group I worked with was terrific!! Only a couple of people lost their cool, but the wait was long. I enjoyed myself immensely. I love the
	I was called and told to be ready for training, but no one called to say if I was or was not needed. I think I should not have to wait and wonder if I would work the polls. I would work if I was contacted.
	Ms. Carnahan you are doing a great job and I am proud of your efforts.
	We will never be able to eliminate the paper ballots unless we have SEVERAL additional elec. Voting machines. People will use them if the lines aren't so long.
	Better phone access to county HQ for when problems arose. Fewer voters
	It appears that the election board does not hire volunteers that are younger. On site I saw elder workers recruit some younger candidates to help move the slow lines. This will give the more experienced workers more time to organize and handle calls and checking identification. It was just a big hassle this year.
	1. A full hour for lunch would have been nice. 2. Again - A 15 hour day is brutal for older volunteers and workers 3. Supervisors need to be more

## IT'S YOUR TURN: BE A POLL WORKER - 2007 SURVEY COMMENTS

COUNTY	COMMENTS
	knowledgeable - maybe an extra day of training would benefit
	During peak volume times, length of wait and lack of available voting machines.
	They liked the touch screen but didn't have enough of them. One was broke all day, another was broke half a day. We only had one that worked all day. Some of the voters state they were glad to see younger faces working. Some of the older workers made things harder. Some of the workers did nothing and just watched.
	Voting tickets could be made out as to place and party prior to election. Things might be put in more order; did not leave till 9:30pm.
	The suggestion is: I was part of the pool of people who reported to the head office to be sent there when needed. There was over 75 people there from 6am on. We first got sent to about 8am. When we arrived the poll workers were elated but said that they called for help at 530am and again around 7am. The most hectic time for the polls is right when they open and people are going to vote before they go to work. If the pool of people were dispatched out earlier - it would really help poll workers and voters,
Stone	Contacted me just before the election.
	I had signed up just prior to the election and no other poll workers were needed.
	Just signed up recently - probably Election Day poll workers already scheduled
	As a voter I voted at 6:45am and stood in the wrong line because there was no sign directing us to the book with our name in it. I also heard one poll worker asking for two forms of identification and the other worker only required one.
	A little more organization needed - not clear as to which alpha line to stand in
Taney	I had applied by interenet mid summer and didn't hear anything. I call ed the county clerk and was sent application. I did not hear anything and left town on Oct. 23rd. I got home on Nov. 5th and there were two messages but I thought it was too late. Then she called on the morning of the election and didn't even tell me I was supposed to bring my own lunch. But I was treated very nicely.
	I thought everything went smoothly.
Texas	After I signed up, they called and said they didn't need me.
Webster	Just complaints about the calls they received before election from both sides.
	Very impressed with all aspects of the process. I feel that the staff of the clerks office were highly under appreciated for the amount of time and effort they put into this election process
	The only problem seemed to be the excess spoiled ballots due to erasing
	I had a very positive experience all around. I feel that the clerks office really went above and beyond to ensure a smooth election day for workers and voters.



STATE CAPITOL  
ROOM 208  
(573) 751-2379

**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

October 27, 2006

The Honorable Catherine Hanaway  
United States Attorney  
Thomas Eagleton U.S. Courthouse  
111 S. 10th Street, 20th Floor  
St. Louis, MO 63102

Dear Ms. Hanaway:

On October 26, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

A friend of our family's went last Friday to early vote in Maplewood at Sunnen Park. He voted for Claire McCaskill, but each time he, the election worker, and the election supervisor pressed the screen for Claire, the screen said he had voted for Jim Talent.

I have the name and number of the guy this happened to if you are interested. You would need to talk with him before Monday.

Our office contacted the Mr. Mayer Levy, Jr., the voter referenced in the e-mail. Attached is the letter to the St. Louis County Elections Board.

This issue is being referred to your office for any appropriate action as you deem necessary. If you have any questions, please contact me at 573/751-2418.

Sincerely,

Barbara Wood  
General Counsel

c: Mayer Levy, Jr.  
John Bodenhause, United States Attorney's Office  
Judge Joseph A. Goeke III, St. Louis County Board of Elections  
Judy Taylor, St. Louis County Board of Elections  
Steve Garrett, Attorney, St. Louis County Board of Elections  
Jeremiah W. "Jay" Nixon, Attorney General  
Robert P. McCulloch, St. Louis County Prosecuting Attorney's Office



ROBIN CARNAHAN  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

October 30, 2006

Scott Leiendecker, Director  
Mary Wheeler-Jones, Director  
300 N. Tucker Blvd.  
St. Louis, MO 63101

Dear Scott and Mary,

The Secretary of State's office received a copy of the letter your office sent to voter registration mail-in applicants whose voter registration applications were submitted to your office by a representative of ACORN sometime between July 31, 2006, and October 11, 2006.

Your letter requires that each applicant contact the Election Board so that their voter registration information is confirmed prior to completing the registration process. In addition, the letter is not clear as to whether the applicant must also sign and return the letter with his or her telephone number in order to complete the registration process.


These steps as outlined in your letter are additional registration requirements in violation of Missouri law. See Missouri Constitution Article VIII, Section 2 and Sections 115.133, RSMo.


Furthermore, Section 115.155.4, RSMo, specifically provides that if your office determines that an applicant is not entitled to register your office must, within seven business days after receiving the application, notify the applicant by mail and state the reason the applicant is not qualified to register to vote.

These additional requirements may also be in violation of federal election laws. See National Voter Registration Act, 42 U.S.C. §1973gg-6(a)1 and 6(a)2 and the Voting Rights Act, 42 U.S.C. §1971(a)(2)(B).

As a result, your office should process these voter registration applications pursuant to state and federal law. For your reference, we have enclosed another copy of the memo we sent to you regarding driver's license and last four digits of the Social Security numbers on voter registration forms.

Respectfully yours,

  
Betsy Byers  
Co-Director of Elections

  
Kay Dinolfo  
Co-Director of Elections

# BOARD OF ELECTION COMMISSIONERS

For The City Of St. Louis  
(314) 622-4336 Fax (314) 622-3587

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Matt Blum  
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Robert M. Lory, Secretary  
Charles E. D. Jr., Member

Mary Wheeler-Jones, Director

October 24, 2006

TO: VOTER REGISTRATION MAIL-IN APPLICANTS

RE: VOTER REGISTRATION MAIL-IN APPLICATION

Dear Voter Registration Applicant:

This letter will acknowledge receipt of a Voter Registration Application that was submitted to our office on your behalf by a representative of ACORN sometime between July 31, 2006, and October 11, 2006.

Due to concerns about a number of the Applications submitted by ACORN, as reported recently in the St. Louis Post-Dispatch, we are asking that you contact the Election Board so that we can confirm your voter registration information and complete the registration process. Please call the Registration Department at 622-4336 promptly upon receipt of this letter, but no later than November 1, 2006, to insure that your Application is complete and you are eligible to vote on November 7. Our office is open Monday through Friday from 8:00 A.M. to 5:00 P.M. The call will only take a few minutes. Please, too, sign the bottom of this letter and return it to us in the enclosed, postage paid envelope, together with your telephone number, so that we can follow up with you if we have additional questions.

Part of the mission of the Election Board is to "insure that every eligible resident of the City of St. Louis is encouraged and provided ample opportunity to register to vote." Your timely response to this letter will help us to carry out that mission.

Very truly yours,

  
Scott Leisendorfer  
Republican Director

Enc.

  
Mary Wheeler-Jones  
Democrat Director

Applicant Signature

Applicant Telephone Number

300 NORTH TUCKER BOULEVARD

ST. LOUIS, MISSOURI 63101-1914





STATE CAPITOL  
ROOM 208  
(573) 751-2379

**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

October 31, 2006

The Honorable Catherine Hanaway  
United States Attorney  
Thomas Eagleton U.S. Courthouse  
111 S. 10th Street, 20th Floor  
St. Louis, MO 63102

Dear Ms. Hanaway:

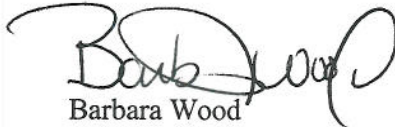
On October 27, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

Greg Speno contacted the campaign office to report that when he went to vote absentee in St. Louis County and voted for Claire McCaskill on the touchscreen, it highlighted and recorded a vote for Jim Talent. He spoiled his ballot and was eventually able to cast the vote he wanted. I have not interviewed Greg myself. His phone number is 314-234-8493.

Our office contacted Mr. Greg Speno, the voter referenced in the e-mail. Attached is the letter to the St. Louis County Elections Board.

This issue is being referred to your office for any appropriate action as you deem necessary. If you have any questions, please contact me at 573/751-2418.

Sincerely,



Barbara Wood  
General Counsel

Attachment

c: Greg Speno  
John Bodenhausen, United States Attorney's Office  
Judge Joseph A. Goeke III, St. Louis County Board of Elections  
Judy Taylor, St. Louis County Board of Elections  
Steve Garrett, Attorney, St. Louis County Board of Elections  
Jeremiah W. "Jay" Nixon, Attorney General  
Robert P. McCulloch, St. Louis County Prosecuting Attorney's Office



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

October 31, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

On October 27, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

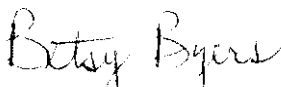
Greg Speno contacted the campaign office to report that when he went to vote absentee in St. Louis County and voted for Claire McCaskill on the touchscreen, it highlighted and recorded a vote for Jim Talent. He spoiled his ballot and was eventually able to cast the vote he wanted. I have not interviewed Greg myself. His phone number is 314-234-8493.

Our office contacted Mr. Greg Speno, the voter referenced in the e-mail. Mr. Speno stated that he touched the screen in an attempt to vote for Claire McCaskill. The screen indicated that he had voted for Jim Talent. Mr. Speno was able to correct his ballot and ultimately confirm and cast his vote for Claire McCaskill.

Our office informed the voter that we would refer this information to your office for proper resolution. Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,

  
Betsy Byers  
Co-Director of Elections

  
Kay Dinolfo  
Co-Director of Elections



JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ROBIN CARNAHAN  
SECRETARY OF STATE  
STATE OF MISSOURI

ELECTIONS DIVISION  
(573) 751-2301

November 1, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

On October 30, 2006, the Secretary of State's office received an e-mail regarding St. Louis County's process and voting equipment used for in-person absentee voting.

The e-mail specifically refers to the County requiring that the registered voter provide the last four digits of her social security number as part of the absentee ballot application process. See attached a copy of the e-mail received by our office. The requirements for absentee ballot application and envelopes are set forth in sections 115.279 and 115.283, RSMo. These provisions do not require that a registered voter provide the last four digits of his or her social security number in order to apply for or cast an absentee ballot.

The e-mail further provides that when the voter reviewed her ballot on the touch screen voting machine, she observed that her vote in the 24<sup>th</sup> Senate district was not for the candidate she had selected. The voter was able to return to that portion of her electronic ballot, correct it, and ultimately cast her ballot for the candidate she had originally chosen.

Our office is referring this information to your office for proper resolution. Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,

*Betsy Byers*

Betsy Byers  
Co-Director of Elections

*Kay Dinolfo*

Kay Dinolfo  
Co-Director of Elections

cc: Steve Garrett  
Vivian Eveloff



----- Original Message -----

Subject: voting in 2006 general election

Date: Mon, 30 Oct 2006 18:20:32 -0800 (PST)

From: Vivian Eveloff

To: robin carnahan

On October 26, I went to the St. Louis County Election Board to vote absentee for the November 7, 2006 election. In filling out the paper request form, I supplied the usual name, address and birth date information and showed my MO driver's license to confirm my identity. The desk clerk then asked for the last 4 digits of my Social Security number.

I challenged this request, reminding her that this number is not to be used for identification purposes, only for the work of the Social Security Administration. She insisted that it was required to vote. I asked to speak to a supervisor and was told that they were in a meeting. Wanting to vote, I complied, but requested that a Supervisor meet with me afterward.

Only the touch screen machines were available, although optiscan ballots are mailed out to voters who make a mail request. When I reviewed my ballot before it was final, I was surprised to see that my vote in the 24th Senate district was not as I had cast it. I was able to go back to that portion of the ballot, correct it, and then cast my ballot.

After I finished, Election Director Goeke appeared to explain the social security number request. He stated that it was required by law, then said that it was an effort to prevent fraud, even though he agreed that he had no means of confirming the veracity of the numbers provided. We had a long conversation, but never came to a solid explanation for this request as part of absentee balloting. He did agree that it was not information required when voting on election day.

I have served as an election day staffer and a "watcher" and realize that the previous low-tech voting had many glitches, especially the unexplained absence of long time voters from their voting rolls. The new system seems certain to result in balloting errors that were not a frequent problem with the former system. The elimination of the "straight party" ballot compounds the likelihood of voting errors.

Vivian Eveloff  
8318 Kingsbury Blvd.  
St. Louis, MO 63105



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(573) 751-2379

**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

November 1, 2006

The Honorable Catherine Hanaway  
United States Attorney  
Thomas Eagleton U.S. Courthouse  
111 S. 10th Street, 20th Floor  
St. Louis, MO 63102

Dear Ms. Hanaway:

On October 30, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting.

The e-mail specifically stated that when the voter reviewed her ballot on the touch screen voting machine, she observed that her vote in the 24<sup>th</sup> Senate District was not for the candidate she had selected. The voter was able to return to that portion of her electronic ballot, correct it, and ultimately, cast her ballot for the candidate she had originally chosen. Attached is a copy of the letter to the St. Louis County Board of Elections.

This issue is being referred to your office for any appropriate action you deem necessary. If you have questions, please contact me at 573/751-2418.

Sincerely,

Barbara Wood  
General Counsel

Attachment

c: Vivian Eveloff

John Bodenhause, United States Attorney's Office  
Judge Joseph A. Goeke III, St. Louis County Board of Elections  
Judy Taylor, St. Louis County Board of Elections  
Steve Garrett, Attorney, St. Louis County Board of Elections  
Jeremiah W. "Jay" Nixon, Attorney General  
Robert P. McCulloch, St. Louis County Prosecuting Attorney's Office



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ROBIN CARNAHAN  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

November 1, 2006

Aldo J. Tesi  
President and CEO  
ES&S  
11208 John Galt Blvd.  
Omaha, NE 68137

Dear Mr. Tesi:

The Office of Secretary of State recently received reports of issues with in-person absentee voting on touch screen equipment in St. Louis County. Attached please find correspondence from our office to the St. Louis County Board of Elections regarding these issues.

If these matters are a result of miscalibrated equipment or vendor error, ES&S must remedy the situation immediately. This is imperative in ensuring fair and accurate results for the November 7 election.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Reading".

Mark R. Reading  
Executive Deputy Secretary of State

Enclosures

c: Judge Joseph A. Goeke III, St. Louis County Board of Elections  
Judy Taylor, St. Louis County Board of Elections  
Eric Anderson, Vice President and General Counsel, ES&S



CURTIS, HEINZ, GARRETT & O'KEEFE, P. C.

ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200

ST. LOUIS, MISSOURI 63105

(314) 725-8788

FAX (314) 725-8789

STEVEN W. GARRETT  
PRINCIPAL

SGARRETT@LAWFIRMEMAIL.COM

November 2, 2006

Barbara Wood  
General Counsel  
Office of the Secretary of State  
State Capitol, Room 208  
Jefferson City, MO 65101

Re: Voter Complaint

Dear Barbara:

This letter is in response to the referrals made by you to our office regarding the following voters:

Mayer Levy, Jr.  
Frank G. Speno  
Vivian Eveloff

Mayer Levy, Jr.

The Board of Election Commissioners first became aware of this matter when it received Betsy Byers' and Kay Dinolfo's letter dated October 27, 2006 (the letter was received by fax after 5:00 p.m. on October 27, 2006). The letter indicated that you received an email from a friend of Mr. Levy indicating that he had difficulty voting absentee at the Board of Election Commissioners' office.<sup>1</sup>

Our office attempted to contact Mr. Levy on Monday, October 31, 2006, but could not reach him. Contact was made, however, on November 1, 2006. Mr. Levy made it very clear that he does not suspect any type of voting fraud whatsoever. He further stated that his wife told a friend of his voting experience in a casual conversation and the friend related the story to her son who is actively involved in politics and that he (Mr. Levy) believed that the matter has been blown out of proportion.

Mr. Levy indicated he was voting on the touch screen on October 16, 2006, and pressed the screen to vote for Claire McCaskill when he believed it registered a vote for Jim Talent. A supervisor from absentee department was called to assist Mr. Levy. The supervisor indicated

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<sup>1</sup> Note that a different version of this email appeared on a blog bearing the date of October 25, 2006, at 10:38 p.m.

that after applying greater pressure to the box next to McCaskill, a successful vote for McCaskill was achieved. Both the supervisor and Mr. Levy indicated that Mr. Levy continued with his voting without issue.

It should be noted that the Election Board aligned the machine used by Mr. Levy as soon as it received the correspondence from the Secretary of State's office referred to above. Between the time Mr. Levy voted and the realignment, three hundred forty-six (346) voters used the same machine without any problems having been reported.

Frank G. Speno

On October 31, 2006, the Election Board was advised by your office that you received an email on October 27, 2006, indicating that Mr. Speno contacted a campaign office after he experienced a problem when he voted absentee in St. Louis County. The email further indicated Mr. Speno spoiled his ballot but was eventually able to cast the vote he wanted.

On November 1, 2006, at approximately 10:30 a.m., I spoke to Greg Speno, whose legal name is "Frank G. Speno," regarding his absentee voting experience at the Election Board offices on October 24, 2006. Mr. Speno told me he is an electrical engineer and on October 24, 2006, attempted to vote for Claire McCaskill by pressing the box next to her name after which a checkmark appeared in the box next to the name of Jim Talent. He stated that he couldn't believe he would miss and touch the wrong space. He next looked to see if there was a reset button. He stated that he did not look at the paper tape record of his vote (although he was aware of same) because he did not bring his glasses with him. He further indicated that he needed glasses to read. He did state, however, that he did not believe he needed his glasses to vote.

Mr. Speno indicated that after his initial attempt to vote for McCaskill, he pressed the box next to McCaskill's name in an area lower than he had previously pressed and a vote for McCaskill was registered. He then completed voting without further incident. He specifically stated that there were no other problems with any of the other votes he cast.

Mr. Speno stated that he did not advise anyone at the Election Board of this problem because he received a cell phone call immediately upon the completion of casting his vote, was asked to leave the voting area because he was on the cell phone. He indicated that he did not go back into the Election Board office to tell them of the incident because he felt it would be much more effective if he provided that information to the McCaskill campaign.

Mr. Speno reminded me that he is an electrical engineer and he would hope that someone would test the machine to make sure the boxed areas were aligned properly and that if we found the boxes to be aligned properly, that "maybe I did not push where I thought."

Mr. Speno never spoiled his ballot, he simply pressed the box next to McCaskill's name, after which a vote for McCaskill was registered. Again, it should be noted that the Election Board realigned the machine used by Mr. Speno as soon as we were advised by your office of his

email. Two hundred fifty-six (256) voters used that machine between the time he voted and the realignment without any problems having been reported.

Vivian Eveloff

On November 1, 2006, we received a letter from your office which attached an email from Ms. Eveloff. She stated that when she voted absentee on October 26, 2006, she was asked to provide the last four numbers of her social security number and that upon reviewing her ballot before making it final, she saw that her vote in the 24<sup>th</sup> Senate District was not "as I had cast it." Her email further indicated that she was able to go back to that portion of the ballot and correct it. The email further indicated that Ms. Eveloff spoke with Judge Goeke after she voted and discussed her concern over being asked for the last four digits of her social security number.

Judge Goeke indicated he did have a conversation with Ms. Eveloff and explained to her that the last four digits of the social security number are required on a registration application and that when absentee voters appeared in our office, we requested that information to allow us to more quickly match the absentee voter with their registration and to update our records if the social security number was missing. Judge Goeke further indicated to me that although he spoke to Ms. Eveloff for a significant period of time, she never said anything to him about having had a problem with her vote in the senate election in her district.

As you know, we are using touch screens for absentee voting in our office. To date, approximately seven thousand six hundred ten (7,610) voters have cast their ballot on these touch screen machines. No one has complained that they were not able to vote for the candidate of their choice. We do not believe there is a problem with any of our touch screen machines. The machines are set up to register a vote for a candidate when pressure is applied to the box next to that candidate's name. The machines utilized by the voters referenced above have been examined and are all in good working order. Our investigation indicates that the issues experienced by these voters were the result of inadequate pressure applied to the box next to the candidate's name. If anything, the experiences of the above-referenced voters illustrate the machines perform as your office has certified them. Voters get to correct any mistakes before finally casting their ballot.

Let me know if you have any questions.

Very truly yours,



Steven W. Garrett  
Board Counsel  
St. Louis County Board of Election Commissioners

SWG/cs

**BOARD OF ELECTION COMMISSIONERS**

For The City Of St. Louis  
(314) 622-4336 Fax (314) 622-3587

Kimberley J. Mathis, Chair  
Jack Lary, Member

Scott Leisendecker, Director



Eileen M. McCann, Secretary  
Clarence E. Dula, Member

Mary Wheeler-Jones, Director

Matt Blunt  
Governor

November 3, 2006

**VIA FAX AND FIRST-CLASS MAIL**

Betsy Byers and Kay Dinolfo  
Co-Directors of Elections  
Office of the Missouri Secretary of State  
Post Office Box 1767  
Jefferson City, MO 65102

Re: Your October 30, 2006 Letter to the  
St. Louis City Board of Election Commissioners

Dear Betsy and Kay:

We have received your letter dated October 30, 2006. While we appreciate input from the Secretary of State's Office on election matters, we were surprised when the first contact from your office was your October 30, 2006 letter. Your letter is based on mistaken and incomplete information.

As you know, the October 24, 2006 letter referenced in your letter was prompted by a highly unusual event. ACORN sent to the Board of Election Commissioners approximately 5,000 mail-in applications, the bulk of which were delivered on or just a few days prior to October 11, 2006, the deadline for submission of those applications.

Irregularities were soon discovered, including but not limited to incomplete applications, applications for deceased and ineligible persons (such as minors), and signatures that appeared to be in the same handwriting on many cards. Because of recent legal developments that are beyond our control, the originals are no longer in our possession.

Given the last-minute delivery of a large number of the above-mentioned applications, we took steps to try to minimize delays that persons who intended to register to vote might experience on Election Day. The Board, as you know, has duties both to register eligible applicants and not register unqualified and/or ineligible applicants. As you also know, the Civil Rights Division of the United States Department of Justice has brought a lawsuit which is pending against the State of Missouri regarding procedures for removal of ineligible voters from voter registration rolls. *United States v. State of Missouri and Robin Carnahan, Secretary of State, in her official capacity*, No. 2:05-CV-04391-NKL.

Betsy Byers and Kay Dinolfo  
November 3, 2006  
Page Two

The October 24, 2006 letter did not, as you contend, **require** anyone to contact the Election Board. It merely stated that "**we are asking** that you contact the Election Board." The letter did NOT say that contacting the Election Board was necessary to vote. There were NO additional requirements imposed. This point was reiterated in a letter sent on November 1, 2006.

We have received several hundred responses to the October 24, 2006 letter. Some respondents were able to provide missing information over the phone. That will save them time on Election Day, as well as time for the persons behind them in line. Making the voting process move as quickly as possible on Election Day can only encourage voting, which is a good thing.

In many of the responses, persons who received the letter indicated that they were already registered and the applications purportedly submitted on their behalf were not legitimate. If we had made the indicated changes on our voter registration database and simply assumed that all the cards were legitimate, properly registered voters may have had their registration information changed, possibly resulting in those voters showing up at the wrong polling place on November 7, 2006. That would have caused more delays for them and others at the polls. Again, dealing with illegitimate applications ahead of time expedites voting on Election Day, which is a good thing for everyone who votes.

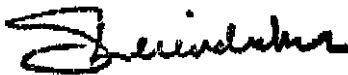
Your letter refers to Section 115.155.4, RSMo, which describes what the Board should do after it "determines that the applicant is not entitled to register." Because ACORN delivered such a large number of applications so close to the close of registration, a thorough review could not be conducted immediately. Based upon our training and experience, we felt it would maximize voting opportunities if we did not make a quick decision that a person was not entitled to be registered. Instead, we sent the letter simply asking for (not requiring) more information.

The Board has gone to great lengths to sort out lawful registration applications from incomplete or questionable ones, an effort that has been rendered more difficult by conflicting directions issued by your office. Like you, the Board is dedicated to helping and encouraging eligible residents to register and vote. However, the Board hopes you also share its commitment to dealing sharply and aggressively to prevent incomplete and questionable bulk applications from flooding its registration roles. Fraudulent registrations carry the imminent threat of generating fraudulent votes that dilute the vote of every honest registrant.

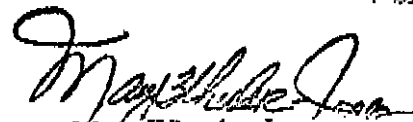
Betsy Byers and Kay Dinolfo  
November 3, 2006  
Page Three

We have now sent two letters to the names on the recent mail-in applications so that persons who intended to register and are entitled to do so can have as smooth a process as possible on Election Day. We continue to be committed to processing the applications and registering or not registering in accordance with state and federal law.

Very truly yours.



Scott Leiendecker  
Republican Director



Mary Wheeler-Jones  
Democratic Director





**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 3, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

The Secretary of State's office received a copy of a polling place notification card sent from you to registered voters in your county.

On the polling place notification card it states "**BRING SIGNATURE ID.**" There is no legal requirement that a voter must present a signature ID in order to cast a ballot. Therefore, a signature ID is not required by Missouri law in order to vote.

The acceptable forms of voter identification include one or any of the following per Section 115.427 RSMo Supp:

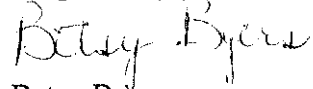
1. Before receiving a ballot, voters shall identify themselves by presenting a form of personal identification from the following list:
  - (1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
  - (2) Identification issued by the United States government or agency thereof;
  - (3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
  - (4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;
  - (5) Driver's license or state identification card issued by another state; or
  - (6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law.

Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.

Please make sure that all of your election judges and staff are instructed that a signature ID is NOT required in order for an individual to cast a ballot.

If you have any questions, please do not hesitate to contact our office.

Respectfully yours,



Betsy Byers  
Co-Director of Elections



Kay Dinolfo  
Co-Director of Elections

cc: Steve Garrett

ST. LOUIS COUNTY  
BOARD OF ELECTION COMMISSIONERS  
12 SUNNEN DRIVE (314) 616-1800 TTY (314) 615-1884  
ST. LOUIS MISSOURI 63143

PRESORTED  
FIRST CLASS MAIL  
U.S. POSTAGE PAID  
PERMIT 2160  
ST. LOUIS, MO.

RETURN SERVICE REQUESTED

\*\*\*\*\*AUTO\*\*\*\*\*

GENERAL ELECTION DATE: 11/07/2006

YOUR POLLING PLACE INFO. POLLS OPEN 8 A.M. - CLOSE 7 P.M.

MT CALVARY LUTHERAN CHURCH

BRING SIGNATURE ID

9321 LITZINGER RD

YOU ARE REGISTERED IN:

TOWNSHIP	CLA	PRECINCT	035	MUNICIPALITY	BRENTWOOD
WARD	01	JCD	03	SCHOOL DIST	BRENTWOOD
COUNTY CNCL DIST	05	CONG DIST	02	SPEO SCHL DIST	05
STATE SEN DIST	024	STATE REP DIST	087	FIRE DIST	MUNI FIRE DISTRICT

HOUSEHOLD REGISTERED VOTERS:

AARON A  
PEGGY M  
RICHARD M



BENSINGER  
5 STRATFORD LN  
ST LOUIS

MO 63144-1628



[vote.stlouisco.com](http://vote.stlouisco.com)



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Mr. Marvin Register  
County Clerk  
Cole County  
311 E. High St. Rm 201  
Jefferson City, MO 65101

Dear Marvin:

The Secretary of State's office received a copy of a memo from you instructing poll workers in your county.

Item number 7 in the memo states, **"If someone does not have their voter ID card with them, they can still vote if they can show you another form of ID that contains their signature."**

There is no legal requirement that a voter must present a signature ID in order to cast a ballot. Therefore, a signature ID is not required by Missouri law in order to vote.

The acceptable forms of voter identification include one or any of the following per Section 115.427 RSMo Supp:

- (1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- (2) Identification issued by the United States government or agency thereof;
- (3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- (4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;
- (5) Driver's license or state identification card issued by another state; or
- (6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law.

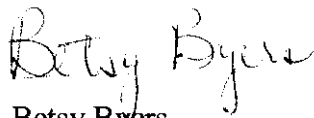
Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.

Please make sure that all of your election judges and staff are instructed that a signature ID is NOT required in order for an individual to cast a ballot.

For your reference, enclosed please find another copy of the poster on identification requirements we sent you as part of your polling place packets for use during the election.

If you have any questions, please do not hesitate to contact our office.

Respectfully yours,



Betsy Byers  
Co-Director of Elections



Kay Dinolfo  
Co-Director of Elections

Enclosure



FROM: MARVIN REGISTER, COUNTY CLERK

RE: NOVEMBER 7TH, 2006 ELECTION

IF YOU HAVE ANY PROBLEMS OR CONCERNS, PLEASE CALL US AND WE WILL ASSIST YOU. OUR PHONE NUMBERS ARE:

634-9101, 634-9103, 634-9104, 634-9105 AND 634-9185.

**ALL POLLWORKERS NEED TO BE AT THEIR POLLING PLACE NO LATER THAN 5:30 A.M. ON ELECTION DAY.**

EVERYONE SHOULD BE USING THEIR **YELLOW** VOTER CARD. IF THEY ARE STILL USING THEIR WHITE CARD, LET THEM VOTE. JUST MAKE SURE THEY ARE IN YOUR POLL BOOKS. IF THEY ARE NOT IN YOUR POLL BOOKS, YOU MUST CALL OUR OFFICE TO FIND OUT WHERE THEIR CORRECT POLLING PLACE IS. IF THEY ONLY HAVE A WHITE CARD, PLEASE MAKE A LIST WITH THEIR NAME AND ADDRESS ON IT AND RETURN IT TO OUR OFFICE. YOU CAN PUT THE LIST IN WITH YOUR ADDRESS CHANGES. WE WILL SEND THEM A NEW CARD.

THE SUPERVISORS WILL BE DOING THE **ADDRESS CHANGES** FOR THIS ELECTION. YOU WILL NEED TO CALL US FOR EACH ADDRESS CHANGE TO FIND OUT THE NEW WARD/PRECINCT.

- YOU WILL NEED TO FILL OUT THE TOP PORTION OF THE “ADDRESS CHANGE APPLICATION” AND CALL OUR OFFICE FOR THE NEW POLLING PLACE. PLEASE GIVE THE FORM TO THE VOTER TO TAKE TO THEIR NEW POLLING PLACE TO VOTE WITH. THEIR NAME WILL NEED TO BE ADDED TO THE BACK OF THE BOOK AT THE NEW POLLING PLACE WHERE THEY WILL BE ALLOWED TO VOTE.
- AFTER THE ELECTION IS OVER, THEY WILL BE SENT A NEW CARD. TELL THEM TO DESTROY ANY OLD VOTER ID CARDS WHEN THEY GET THEIR NEW YELLOW VOTER CARD.
- ALL FORMS USED TO CHANGE AN ADDRESS NEED TO BE PUT BACK IN THE ORIGINAL ENVELOPE AND RETURNED TO OUR OFFICE IN YOUR SUPPLY BOX. MAKE SURE THE NEW POLLING PLACE KEEPS THE ADDRESS CHANGE FORM. DO NOT GIVE IT BACK TO THE VOTER.

\* IF THE VOTER AUTOMATICALLY SHOWS UP AT THEIR NEW POLLING PLACE AND DOES NOT HAVE THE ADDRESS CHANGE FORM, MAKE SURE THEY ARE AT THEIR CORRECT POLLING PLACE. YOU CAN ALLOW THEM TO VOTE, BUT MAKE SURE YOU FILL OUT AN ADDRESS CHANGE FORM BEFORE WRITING THEM IN THE BACK OF THE BOOK.

\* IF THEY HAVE MOVED AND THEIR OLD AND NEW POLLING PLACE ARE THE SAME, THEY STILL NEED TO DO AN ADDRESS CHANGE BEFORE VOTING. YOU CAN LET THEM SIGN IN THEIR REGULAR PLACE IN THE POLL BOOK, BUT WRITE IN THEIR NEW ADDRESS. YOU WILL NOT HAVE TO WRITE THEM IN THE BACK OF THE BOOK. IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL US.

IF SOMEONE COMES TO VOTE THAT CANNOT GET OUT OF THEIR VEHICLE, YOU CAN TAKE THE BALLOT ALONG WITH A CLIPBOARD TO THEIR CAR.

THE INSTRUCTIONS THAT WE HAVE BEEN STRESSING AT EACH TRAINING SESSION ARE VERY IMPORTANT AND WE HOPE THAT YOU WILL PAY CLOSE ATTENTION TO THE FOLLOWING ITEMS:

1. BE SURE TO HAVE EACH VOTER SIGN THE PRECINCT BOOK IN THE APPROPRIATE PLACE AND HAVE THEM INITIAL IT IF THEIR ADDRESS IS CORRECT. PLEASE BE SURE TO USE A PEN IN THE BOOKS. IF THE VOTER HAS A **P O BOX** LISTED ON THEIR VOTER CARD THEY CAN STILL VOTE. JUST MAKE SURE THEY VERIFY THE RESIDENTIAL(R) ADDRESS IN THE POLL BOOK IS CORRECT. WE CAN ONLY LIST ONE ADDRESS ON THE VOTER CARD, SO WE HAVE TO USE THE **P O BOX** FOR MAILING PURPOSES.
2. BE SURE THAT YOU HAVE ANOTHER ELECTION JUDGE WITNESS THE SIGNATURE AND IMMEDIATELY PLACE BOTH OF YOUR INITIALS IN THE APPROPRIATE PLACE IN THE BOOK.



3. GIVE EACH VOTER A NUMBER AND WRITE THE NUMBER IN THE SPACE PROVIDED.
4. ALL REGISTRANTS THAT SHOW **"ACTIVE – ID VERIFICATION"** BY THEIR NAME/ADDRESS, MUST SHOW AN ID BEFORE THEY ARE ALLOWED TO VOTE. THESE PEOPLE WILL NOT HAVE A VOTER CARD. AFTER VOTING THE FIRST TIME WE WILL SEND THEM A VOTER ID CARD.
5. ANYONE THAT HAS THE STATUS OF **"INACTIVE - NVRA"** NEXT TO THEIR NAME NEEDS TO HAVE THEIR ADDRESS CHANGED BEFORE BEING ALLOWED TO VOTE AT THEIR NEW POLLING PLACE. THESE VOTERS HAVE HAD MAILINGS SENT TO THEM AND THEY WERE RETURNED BY THE POST OFFICE DUE TO THEM MOVING OR GIVING US AN INCORRECT ADDRESS.
6. BE SURE TO DISPLAY ALL SIGNS IN YOUR SUPPLY BOX.
7. IF SOMEONE DOES NOT HAVE THEIR VOTER ID CARD WITH THEM, THEY CAN STILL VOTE IF THEY CAN SHOW YOU ANOTHER FORM OF ID THAT CONTAINS THEIR SIGNATURE. SOME EXAMPLES OF ACCEPTABLE IDS ARE: DRIVER'S LICENSE, STATE ISSUED IDS, UNITED STATES GOVERNMENT IDS AND UNIVERSITY IDS.
8. BE SURE TO TAKE DOWN ALL OF THE PRIVACY PANELS AND PLACE THEM ON TOP OF THE OPTICAL SCAN MACHINE.
9. MAKE SURE TO LEAVE YOUR WHITE ELECTION SUPPLY BOX AND SMALL BLUE SUPPLY BAG IN THE WHITE BIN, ALONG WITH THE UNVOTED BALLOTS, WHICH WILL BE IN THE BOTTOM OF THE BALLOT MACHINE. ALSO MAKE SURE TO LEAVE ALL THE SIGNS IN THE WHITE BIN IN THE BOTTOM OF THE MACHINE. BE SURE TO RESEAL THE WHITE BIN.
10. IF A FAMILY MEMBER WANTS A RELATIVE TO BE **REMOVED** FROM OUR VOTER RECORDS. PLEASE HAVE THEM LIST A REASON BY THE REGISTRANTS NAME, SUCH AS MOVED TO...(WHAT CITY AND STATE), DECEASED, ETC. AND HAVE THEM **SIGN THEIR NAME** BY IT AND **HOW THEY ARE RELATED** TO THE PERSON TO BE REMOVED. ONLY A FAMILY MEMBER CAN REQUEST A REMOVAL FROM OUR RECORDS.
11. ALL **NAME CHANGES** NEED TO BE DONE IN OUR OFFICE. YOU CAN ALLOW THE PERSON TO VOTE ONE TIME UNDER THEIR OLD NAME. AFTER THE ELECTION, THEY WILL NEED TO COME TO OUR OFFICE AND FILL OUT THE PROPER PAPERWORK AND SIGN A NEW VOTER REGISTRATION CARD.
12. MAKE SURE YOU WRITE YOUR WARD AND PRECINCT ON THE TOP OF YOUR PAYROLL SHEET.
13. IF YOU HAVE ANY VOTERS THAT SPOIL THEIR BALLOT MAKE SURE TO WRITE SPOILED ACROSS THE FRONT OF THE BALLOT. YOU WILL NEED TO PUT THE SPOILED BALLOT IN THE ENVELOPE THAT IS PROVIDED IN THE SUPPLY BOX. **THE ENVELOPE NEEDS TO BE RETURNED WITH THE BALLOTS WHEN BROUGHT BACK TO THE COURTHOUSE.**
14. THE TWO SUPERVISORS SHOULD BRING THE BALLOTS BACK TO THE COURTHOUSE ANNEX. IF FOR SOME REASON, ONE OF THE SUPERVISORS CAN'T BRING THE BALLOTS BACK, THEN THE JUDGE FROM THEIR PARTY MUST ACCOMPANY THE OTHER SUPERVISOR. THERE MUST BE ONE DEMOCRAT AND ONE REPUBLICAN.
15. IF YOU ARE HAVING TROUBLE BALANCING YOUR BALLOTS, PLEASE BRING THE BALLOTS UP TO OUR OFFICE AND WE WILL HELP YOU TO BALANCE THEM.



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

On November 4, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. Our office received a subsequent e-mail from the voter detailing her voting experience with the machines.

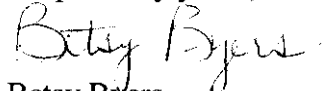
The e-mails specifically provide that an undervote for one of the amendments registered as a "yes" vote. The e-mail from the voter stated:


I have lost my voice. The message is simple. I voted absentee at St. L. County Bd. Of Election Commissioners early afternoon of October 23. I think Joy Guze mistakenly believes that there was a paper verification; not so. I reviewed my ballot with electronic recall and discovered a check-marked "yes" on a proposition where I had placed no mark, not wishing to vote on that issue. I tried several times to correct this, but each time it came back with the false "yes." I then asked for a clerk's help and - - I hope - - got rid of the error. Judith S. Stix, 11-5-06 phone 314-863-4870.

Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,

  
Betsy Byers  
Co-Director of Elections

  
R. Kay Dinolfo  
Co-Director of Elections

cc: Judith Stix  
Steve Garrett



ROBIN CARNAHAN

SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Judge Joseph A. Goeke, III, Director  
Judy Taylor, Director  
St. Louis County Board of Elections  
12 Sunnen Dr., Suite 126  
Maplewood, MO 63143

Dear Judge and Judy,

On November 6, 2006, the Secretary of State's office received a report regarding the voting equipment used by St. Louis County for in-person absentee voting. The report specifically provided that a voter, Marilyn Teitelbaum, had voted in-person absentee and when she pressed the screen for Claire McCaskill it registered a vote for Jim Talent.

Our office contacted Ms. Teitelbaum. She reported that on November 2, 2006, she voted in-person absentee on an odd rather than even-numbered machine in St. Louis County. When she pressed the name for Claire McCaskill and Russ Carnahan, respectively, the machine instead registered a vote for the republican candidate in both races. Ms. Teitelbaum brought this to the attention of the election workers and supervisors who experienced the same issue when they pressed the names for Ms. McCaskill and Mr. Carnahan. She and the election workers also tested this for a Libertarian candidate and it registered a vote for the Democratic candidate in that race. This did not happen when Ms. Teitelbaum and the election workers attempted these votes on the even-numbered machine. The explanation provided to Ms. Teitelbaum at the time was that it was dependent on the height of election worker calibrating the machine and the design of the ballot (names close together).

Our office informed the voter that we would refer this information to your office for proper resolution. Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,

Handwritten signature of Betsy Byers in cursive.

Betsy Byers  
Co-Director of Elections

Handwritten signature of Kay Dinolfo in cursive.

Kay Dinolfo  
Co-Director of Elections



JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ROBIN CARNAHAN  
SECRETARY OF STATE  
STATE OF MISSOURI

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Sharon Turner Buie, Director  
Kansas City Board of Elections  
1828 Walnut St., Suite 300  
Kansas City, MO 64108

Dear Sharon,

Thank you for discussing with our office last week the letter your office received from, and the subsequent meeting that your office had with, representatives of Kansas City ACORN regarding voter registration mail-in applicants submitted to your office by ACORN. Based on our discussion, your office is processing these voter registration cards as required by applicable state and federal law. See Section 115.155, RSMo and the National Voter Registration Act, 42 U.S.C. §1973gg-6(a)1 and 6(a)2.

We appreciate your prompt attention to and resolution of this issue.

Respectfully yours,

Handwritten signature of Betsy Byers in cursive.

Betsy Byers  
Co-Director of Elections

Handwritten signature of R. Kay Dinolfo in cursive.

R. Kay Dinolfo  
Co-Director of Elections

cc: Ray James



**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

ELECTIONS DIVISION  
(573) 751-2301

November 6, 2006

Rich Chrismer  
St. Charles County Election Authority  
Administration Bldg.  
201 N. Second St., Rm. 541  
St. Charles, MO 63301

Dear Rich,

Thank you for discussing with our office the issue regarding challengers and watchers for the upcoming election. Set forth below are the statutes that apply to challengers and watchers we discussed in case you should have any future questions.

Section 115.105 governs challengers. This section specifically provides:

1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.
2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.
3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. In a presidential primary election, challengers may collect information about the party ballot selected by the voter and may disclose party affiliation information after the polls close.

5. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

6. Any challenge by a challenger to a voter's identification for validity shall be made only to the election judges or other election authority. If the poll challenger is not satisfied with the decision of the election judges, then he or she may report his or her belief that the election laws of this state have been or will be violated to the election authority as allowed under section 115.105.

This section provides that if your office received names of the designated challengers and substitutes no later than four business days before the election, then eligible challengers must be allowed at each polling place and each location at which absentee ballots are prepared and counted.

Section 115.107 governs watchers. This section specifically provides:

1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher.

The four day limitation is not applicable to watchers. Therefore, the chairman of the county committee of each political party named on the ballot has the right to designate a watcher for each place votes are counted to observe the counting of the votes and present any complaint of irregularity or violation of the law to the election judges or to your office. If you have any questions, please do not hesitate to contact our office.

Respectfully yours,



Betsy Byers  
Co-Director of Elections



R. Kay Dinolfo  
Co-Director of Elections





**ROBIN CARNAHAN**  
SECRETARY OF STATE  
STATE OF MISSOURI

STATE CAPITOL  
ROOM 208  
(573) 751-2379

JAMES C. KIRKPATRICK  
STATE INFORMATION CENTER  
(573) 751-4936

November 6, 2006

The Honorable Jennifer Joyce  
Circuit Attorney – City of St. Louis  
1114 Market Street, Room 401  
St. Louis, MO 63101

VIA Facsimile  
314-622-3369

Dear Ms. Joyce:

As you know, in recent months there has been much discussion about the type of identification required to vote in Missouri's November general election. On October 16, 2006, the Missouri Supreme Court struck down the photo ID requirement passed by the legislature. In addition to the well-publicized nature of that decision, the Secretary of State's office has taken a number of additional steps to ensure that local election authorities, poll workers and voters understand the identification requirements for voting in November. We have sent repeated correspondence, flyers and posters for polling places and training materials to election authorities throughout the state. We also launched a statewide voter education effort to clarify any confusion among the voting public about the law.

My recent voting experience suggests that there may be a knowing refusal to follow the law regarding the type of identification acceptable to vote.

On Friday, November 3, 2006, I went to the City of St. Louis Election Board office to vote absentee. Upon presenting my voter identification card to the person behind the counter, I was asked for a photo ID. When I asked why she was asking for a photo ID when it is not required by law, she replied that she knew it wasn't the law, but that "they told us to ask for a photo ID anyway."

After pointing out a poster on the wall that clearly stated that a voter identification card was sufficient to vote and asking to speak to a supervisor, the poll worker consulted with a supervisor and told me my voter card was sufficient and that I did not need to present a photo ID.

I spoke with St. Louis City Director of Elections Scott Leiendecker immediately following this experience and directly expressed my concerns. He assured me that voters would not be asked for a photo ID to vote on Election Day.

Ms. Jennifer Joyce  
November 6, 2006  
Page 2

Having also been asked to present a photo ID at my polling place in the August primary (again when it was not legally required), I am increasingly concerned that Missouri law regarding voting identification requirements is being systematically ignored. If I, as Missouri's Chief Elections Official, have been asked inappropriately to present a photo ID in multiple elections, it is safe to assume that others with less knowledge of the law are being asked the same question. While I was not denied the right to vote, I am very concerned that other legitimate voters with less knowledge of election law have been, or will be, prevented from voting because of these improper requests.

Elections cannot be fair if eligible voters are not able to vote and have that vote count. I am concerned that artificial additional requirements and failure to comply with state law will impede Missourians' constitutional rights and may warrant further investigation by your office.

Very truly yours,



Robin Carnahan  
Secretary of State

cc: St. Louis City Board of Elections  
Jeremiah W. "Jay" Nixon, Missouri Attorney General  
Francis G. Slay, Mayor, City of St. Louis



CIRCUIT ATTORNEY  
CITY OF ST. LOUIS

JENNIFER M. JOYCE

CIRCUIT ATTORNEY'S OFFICE  
1114 Market Street, Room 401  
St. Louis, Missouri 63101  
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November 15, 2006

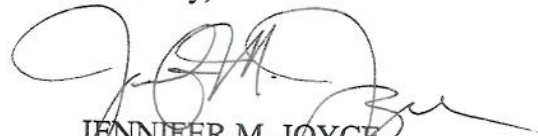
The Honorable Robin Carnahan  
Secretary of State – State of Missouri  
PO Box 1767  
Jefferson City, MO 65102



Dear Ms. Carnahan:

Thank you for alerting us to the problems you encountered when you voted by absentee ballot with the City of St. Louis Election Board. In response to your letter, the Circuit Attorney's Office has investigated the matter by speaking with Matthew Potter, the Assistant Democratic Director of the St. Louis Election Board and the person responsible for the operations on election day. Mr. Potter stated that the Board has not received any other complaints stemming from election judges requiring the production of photographic identification at the polls. In addition, several people noted the prominent placement of signs indicating that photographic identification was not necessary to vote in the election. As a result, it appears that your unfortunate incident was an isolated incident. Should we receive additional information about other violations, we will continue the investigation. Thank you again for informing us about your experience; should you have additional information about criminal violations arising from the election we certainly will investigate.

Sincerely,

  
JENNIFER M. JOYCE  
Circuit Attorney



**Ronald C. Mosbaugh**

Jasper County Clerk



Jasper County Courthouse  
302 S. Main • Room 102  
Carthage, Missouri 64836  
417-358-0416  
Fax: 417-358-0415

December 14, 2006

Betsy Byers & Kay Dinolfo  
Co-Director of Elections  
Jefferson City, MO

Dear Betsy and Kay:

Received your letter last week in reference to the November election problems. I don't mind telling you, it was the longest day of my life! I still relive this problem daily! For the past nine years of county government I felt like I did a good job. I really hate going out of office with this on my resume.

Will try to answers your questions as best that we can.

1. *What formula was used to determine the number of optical scan ballots to be printed and distributed for use in polling places on Election Day?*

We compare past election voter turn-out, depending on the type of election. On most every election since I've been in office, consistently the polling places return more un-voted ballots than voted ballots! We average from 8 % to 17% voter turn-out in Jasper County. In the November Election, I projected from 30 to 40 % turn-out. Needless to say, I screwed up royally. We had more people voting in this election than in the last Presidential Election!

By the way, when we ordered the ballots to be printed, we didn't know if the Stem Cell or the Tobacco Tax issue would be on the ballot.

2. *How many optical scan ballots were printed and distributed for use in polling places on Election Day?*

We printed a total of 37,185 ballots for the November Election.

- We had 17 different ballot styles.
- The ballots that were not sent to the polling places were used for absentee ballots and the rest were used for back up.

3. *Please identify the polling places that ran out of ballots and how many times each polling place ran out of ballots.*

Carl Junction 3/ Carl Junction 4  
Carthage 5-1/ Carthage 5-2  
East Jackson  
Joplin 4

Carthage 4-1 / Carthage 4-2  
Centennial/ Gem  
Joplin 2/ Joplin 3  
Joplin 8

RECEIVED

2006 DEC 18 PM 2:42

*Ronald C. Mosbaugh*

Joplin 10/ Joplin 11  
North Madison

Joplin 12/ Joplin 14  
Oronogo 2

I have no idea on how many times the polling places ran out of ballots, we had several people delivering them.

4. *How many ballots did your office photocopy for each affected polling place?*

We have no idea, when we pick-up copied ballots from the courthouse to deliver to the polling places, we just pulled off a stack to leave at the polling place, we didn't count them. When we delivered the ballots, we tried to deliver several polling places, not just one. Something else to keep in mind, we had 17 different ballot styles, so this was another problem.

5. *You previously reported 1,855 ballots were hand counted. Please verify that these were the photocopied ballots used by voters to cast their votes.*

To the best of my knowledge, they were the photocopied ballots used by our voters.

6. *As you reported, "smudging" or markings, as described above, appeared on photocopied ballots. Please provide the race and name of the candidate where these markings occurred.*

- The smudge appeared on "R-1 Carl Junction school District Proposition K.I.D.S. "It was asking the voters to approve or disapprove the school board to borrow money for the Junior High School.

- (1). The only ballot we could find had a yellow marker over three or four sentences. The ballot was still easily read and did not interfere with the yes or no vote.
- (2). Another ballot that we ran out of, we couldn't find an un-voted ballot. We photo copied a used ballot, then we whited out the marks on the ballot. However, we missed one of the marks on the back side of that ballot. When the polling place received them, they noticed the problem and called the courthouse. We instructed the election judges to tell all the voters to circle all their choices instead of completing the arrow.

In counting those ballots at the courthouse, the voters did as they were instructed. There were 100 of these ballots.



1. *Please describe in detail any instructions given to voters on how these particular ballots should be marked by voters.*

This question was answered in number 5.

2. *Please describe in detail any instructions given to election judges in counting these ballots.*

The Election Judges gave us the count on the ballots that went through the Insight, the DRE count and the un-voted ballots. The photo copied ballots were counted by some of the polling places. The rest of the photo copied ballots were counted by our verification teams at the courthouse. All photo copied ballots were initialed by both judges at the polling place. I would have preferred that all the photo copied ballots were counted before the election judges left the polling place, but that didn't happen.

The verification team also counted well over 6000 write-in ballots for the Presiding Commissioner race.

We had ten teams working from 7: p.m. until 6:30 a.m. the next morning. Our staff worked well over 26 straight hours to certify the election. Needless to say, we were all very stressed out!

Jasper County in the future will be forced to order far more ballots than needed, even though thousands will be thrown away. We definitely don't want this situation to happen again.

Election night, some of the ballots that we ran out of at a particular polling place, were turned-in as un-voted ballots from other polling places.

I've enjoyed working with the Secretary Of State office through the years, you have always been very supportive of the County Clerks.

Sincerely Yours,

Ronald C. Mosbaugh  
Jasper County Clerk





OFFICE OF SECRETARY OF STATE  
ROBIN CARNAHAN  
Elections Division  
**Registration Form for  
Voter Registration Solicitors**

NAME OF SOLICITOR (PRINT CLEARLY)

SOLICITOR'S RESIDENTIAL ADDRESS (INCLUDING STREET NUMBER, CITY, STATE AND ZIP)

SOLICITOR'S MAILING ADDRESS (IF DIFFERENT FROM ABOVE)

SOLICITOR'S PHONE NUMBER (OPTIONAL)

DO YOU EXPECT TO BE PAID FOR SOLICITING VOTER REGISTRATIONS? YES ☐ NO ☐

IF THE ANSWER IS YES, PLEASE PROVIDE THE NAME OF THE PERSON OR ENTITY THAT YOU EXPECT TO RECEIVE PAYMENT FROM \_\_\_\_\_

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

ANY VOTER REGISTRATION SOLICITOR WHO KNOWINGLY FAILS TO REGISTER WITH THE SECRETARY OF STATE IS GUILTY OF A CLASS THREE ELECTION OFFENSE.

VOTER REGISTRATION SOLICITORS SHALL REGISTER FOR EVERY ELECTION CYCLE THAT BEGINS ON THE DAY AFTER THE GENERAL ELECTION AND ENDS ON THE DAY OF THE GENERAL ELECTION TWO YEARS LATER. A VOTER REGISTRATION SOLICITOR SHALL BE AT LEAST EIGHTEEN YEARS OF AGE AND SHALL BE A REGISTERED VOTER IN THE STATE OF MISSOURI. 115.205.1

**SECRETARY OF STATE'S FAX NUMBER: 573.526.3242**

**OFFICE USE ONLY**

PC APPLICATIONS RECEIVED: \_\_\_\_\_

PC NUMBER(s): \_\_\_\_\_

DATE SENT: \_\_\_\_\_

SOS EMPLOYEE INITIALS \_\_\_\_\_



Proposed Amendments to the Constitution of Missouri and Statutory Proposition

To be submitted to the qualified voters of the State of Missouri at the General Election to be held on Tuesday, the 7th day of November, 2006.

CONSTITUTIONAL AMENDMENT 2  
(Proposed by Initiative Petition)

Shall the Missouri Constitution be amended to allow and set limitations on stem cell research, therapies, and cures which will:

- ensure Missouri patients have access to any therapies and cures, and allow Missouri researchers to conduct any research, permitted under federal law;
- ban human cloning or attempted cloning;
- require expert medical review and oversight and annual reports on the nature and purpose of stem cell research;
- impose criminal and civil penalties for any violations and;
- prohibit state and local governments from preventing or discouraging lawful stem cell research, therapies and cures.

The proposed constitutional amendment would have an estimated annual impact on state and local governments of \$0-\$68.916.

NOTICE: You are advised that the proposed constitutional amendment may change, repeal, or modify by implication or may be construed by some persons to change, repeal or modify by implication, the following provisions of the Constitution of Missouri: Sections 1, 2, 10, 14, 21, 32 of Article I; Section 1 of Article II; Sections 1, 21, 22, 23, 28, 36, 39, 40, 41, and 42 of Article III; Sections 1, 14, 36(a), 37, 37(a), 39, and 52 of Article IV; Sections 3, 5, 14, 17, 18, and 23, and subsection 17 of Section 27 of Article V; Sections 18(b), 18(c), 18(d), 18(k), 18(m), 9(a), 20, 31, 32(a), and 32(b) of Article VI; Section 9(a) of Article VII; Sections 1, 6, 11(a), 11(d), and 11(f) of Article X; and Section 3 or Article XI.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

One new section is adopted by adding one new section to be known as section 38(d) of Article III to read as follows:

"Section 38(d). 1. This section shall be known as the "Missouri Stem Cell Research and Cures Initiative."

2. To ensure that Missouri patients have access to stem cell therapies and cures, that Missouri researchers can conduct stem cell research, and that all such research is conducted safely and ethically, any stem cell research permitted under any federal law may be conducted in Missouri, and any stem cell therapies and cures permitted under any federal law may be provided to patients in Missouri, subject to the requirements of federal law and only the following additional limitations and requirements:

(1) No person may cause or attempt to clone a human being.

(2) No human blastocyst may be produced by fertilization solely for the purpose of stem cell research.

(3) No stem cells may be taken from a human blastocyst more than four days after the cell division begins; provided, however, that time during which a blastocyst is frozen does not count against the four-day limit.

(4) No person may, for valuable consideration, purchase or sell human blastocysts or eggs for stem cell research or stem cell therapies and cures.

(5) Human blastocysts and eggs obtained for stem cell research or stem cell therapies and cures must be stored donated with voluntary and informed consent, documented in writing.

(6) Human embryonic stem cell research may be conducted only by persons that, within 180 days of the effective date of this section, or otherwise prior to commencement of such research, whichever is later, have:

(a) provided oversight responsibility and approval authority for such research to an embryonic stem cell research oversight committee which shall include representatives of the public and medical and scientific experts;

(b) adopted ethical standards for such research that comply with the requirements of this section; and

(c) obtained a determination from an Institutional Review Board that the research complies with all applicable federal statutes and regulations that the Institutional Review Board is responsible for administering.

(7) All stem cell research and all stem cell therapies and cures must be conducted and provided in accordance with state and federal laws and regulations, including, but not limited to laws concerning scientific and medical practices and patient safety and privacy, to the extent that any such laws do not (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by the provisions of this section other than this subdivision (7) to be conducted or provided, or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures.

3. Any person who knowingly and willfully violates in this section subdivision (1) of subsection 2 of this section commits a crime and shall be punished by imprisonment for a period of up to fifteen years or by the imposition of a fine of up to two hundred fifty thousand dollars, or by both. Any person who knowingly and willfully violates in this section subdivisions (2) or (3) of subsection 2 of this section commits a crime and shall be punished by imprisonment for a period of up to ten years or by the imposition of a fine of up to one hundred thousand dollars, or by both. A civil action may be brought against any person who knowingly and willfully violates in this state any of the subdivisions (1) through (6) of subsection 2 of this section, and the state in such action shall be entitled to a judgment recovering a civil penalty of up to fifty thousand dollars per violation, regardless of the amount of any financial profit derived from such violation, and/or enjoining any further such violation. The attorney general shall have the exclusive right to bring a civil action for such violation. Venue for such action shall be the county in which the alleged violation occurred.

4. Each institution, hospital, other entity, or other person conducting human embryonic stem cell research in the state shall (a) prepare an annual report stating the nature of the human embryonic stem cells used in, and the purpose of, the research conducted during the prior calendar year, and certifying compliance with subdivision (6) of subsection 2 of this section; and (b) no later than June 30 of the subsequent year, make such report available to the public and inform the Secretary of State how the public may obtain copies of or otherwise gain access to the report. The report shall not contain private or confidential medical, scientific, or other information. Individuals conducting research at an institution, hospital, or other entity that prepares and makes available a report pursuant to this subsection 4 concerning such research shall not be required to make and available a separate report concerning that same research. A civil action may be brought against any institution, hospital, other entity, or other person that fails to prepare or make available the report or inform the Secretary of State how the public may obtain copies of or otherwise gain access to the report, and the state in such action shall be entitled as its sole remedy to an affirmative injunction requiring such institution, hospital, other entity, or other person to prepare and make available the report or inform the Secretary of State how the public may obtain or otherwise gain access to the report. The attorney general shall have the exclusive right to bring a civil action for such violation.

5. To ensure that no governmental body or official arbitrarily restricts funds designated for purposes other than stem cell research, stem cell therapies and cures as a means of withholding such funds from research or stem cell therapies and cures, no state or local governmental body or official shall eliminate, reduce, deny, or withhold any public funds provided for the purpose to be provided to a person that (a) lawfully conducts stem cell research or provides stem cell therapies and cures, allows for such research or therapies and cures to be conducted or provided on its premises, or is otherwise associated with such research or therapies and cures, or (b) receives or is eligible to receive such public funds for purposes other than such stem cell-related activities, on account of, or otherwise for the purpose of creating disincentives for any person to engage in or otherwise associate with, or preventing, restricting, obstructing, or discouraging, such stem cell-related activities.

6. As used in this section, the following terms have the following meanings:

- (1) "Blastocyst" means a small mass of cells that results from cell division, caused either by fertilization or somatic cell nuclear transfer, that has not been implanted in a uterus.
- (2) "Clone or attempt to clone a human being" means to implant in a uterus or attempt to implant in a uterus anything other than the product of fertilization of an egg of a human female by a sperm of a human male for the purpose of creating a human being that could result in the creation of a human fetus, or the birth of a human being.
- (3) "Donated" means donated for use in connection either with scientific or medical research or with medical treatment.

- (4) "Fertilization" means the process whereby an egg of a human female and the sperm of a human male form a zygote (i.e., fertilized egg).
- (5) "Human embryonic stem cell research" also referred to as "early stem cell research" means any scientific or medical research involving human stem cells derived from in vitro fertilization blastocysts or from somatic cell nuclear transfer. For purposes of this section, any human embryo or stem cell research does not include stem cell clinical trials.
- (6) "In vitro fertilization" means fertilization of an egg with a sperm outside the body.
- (7) "Institutional Review Board" means a specially constituted review board established and operating in accordance with federal law as set forth in 42 U.S.C. 289, 45 C.F.R. Part 46, and any other applicable federal statutes and regulations, as amended from time to time.
- (8) "Permitted under federal law" means, as it relates to stem cell research and stem cell therapies and cures, any such research, therapies, and cures that are not prohibited under federal law from being conducted or provided, regardless of whether federal funds are made available for such activities.
- (9) "Person" means any natural person, corporation, association, partnership, public or private institution, or other legal entity.
- (10) "Private or confidential medical, scientific, or other information" means any private or confidential patient, medical, or personnel records or matters, including property or work product, whether publishable or not, and including but not limited to scientific or technological innovations in which an entity or person involved in the research has a proprietary interest, prepublication scientific working papers, research or other information not accepted from disclosure under Chapter 610, RSMo, as amended from time to time.

(11) "Solely for the purpose of stem cell research" means producing human embryos in vitro for fertilization exclusively for stem cell research, but does not include producing any number of human blastocysts for the purpose of treating human infertility.

(12) "Sperm" means mature spermatozoa or precursor cells such as spermatids and spermatocytes.

(13) "Stem cell" means a cell that can divide multiple times and give rise to specialized cells in the body, and includes but is not limited to embryonic, generally referred to as (i) adult stem cells that are found in some body tissues (including but not limited to adult stem cells derived from adult body tissues and from discarded umbilical cords and placenta), and (ii) embryonic stem cells, but does not include stem cells derived from in vitro fertilization blastocysts and from cell reprogramming techniques such as somatic cell nuclear transfer).

(14) "Stem cell clinical trials" means federally regulated clinical trials involving stem cells and human subjects designed to develop, or assess or test the efficacy or safety of, medical treatments.

(15) "Stem cell research" means any scientific or medical research involving stem cells. For purposes of this section, stem cell research does not include stem cell clinical trials.

(16) "Stem cell therapies and cures" means any medical treatment that involves the use of stem cells from the use of stem cells, and that is used to treat or cure any disease or injury. For purposes of this section, stem cell therapies and cures do include stem cell clinical trials.

(17) "Valuable consideration" means financial gain or advantage, but does not include reimbursement for reasonable costs incurred in connection with the removal, processing, disposal, preservation, quality control, storage, transfer, or donation of human eggs, sperm, or blastocysts, including lost wages of the donor. Valuable consideration also does not include the consideration paid to a donor of human eggs or sperm by a fertility clinic or physician, as well as any other consideration expressly allowed by federal law.

7. The provisions of this section and of all state and local laws, regulations, rules, charters, ordinances, and other governmental acts shall be construed in favor of the conduct of stem cell research and the provision of stem cell therapies and cures. No state or local law, regulation, rule, charter, ordinance, or other governmental act (i) prevent, restrict, obstruct, or discourage any stem cell research or stem cell therapies and cures that are permitted by this section to be conducted or provided, or (ii) create disincentives for any person to engage in or otherwise associate with such research or therapies or cures.

8. The provisions of this section are self-executing. All of the provisions of this section are severable. If any provision of this section is held to be unconstitutional, the remainder of this section shall be valid and enforceable, and the provisions of this section shall be deemed to be self-executing.

STATE OF MISSOURI } ss  
Secretary of State

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Constitutional Amendment No. 2, to be submitted to the qualified voters of the State of Missouri at the General Election to be held on the seventh day of November, 2006.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri, done at the City of Jefferson, this 25th day of August 2006.

ROBIN CARNAHAN  
Secretary of State

CONSTITUTIONAL AMENDMENT 3  
(Proposed by Initiative Petition)

Shall the Missouri Constitution be amended to create a Healthy Future Trust Fund which will:

- 1. be used to reduce and prevent tobacco use, to increase funding for healthcare access and available a report pursuant to this subsection 4 concerning such research to the public, and to cover administrative costs;
- 2. be funded by a tax of four cents per cigarette and twenty percent on other tobacco products;
- 3. be kept separate from general revenue and annually audited;
- Additional taxes of four cents per cigarette and twenty percent of the manufacturer's invoice price on other tobacco products shall be collected and deposited to the Healthy Future Trust Fund as follows:

NOTICE: You are advised that the proposed constitutional amendment changes, repeals, or modifies by implication, or may be construed to change, repeal, modify by implication, the following provisions of the Constitution of Missouri: Section 1 of Article II, Sections 1, 36, 38(a), 39, 40, and 51 of Article III; Sections 1, 5, 12, 13, 15, 17, 22, 28, 36(a), 37, 37(a), 39, 48, and 51 of Article IV; Section 2(b) of Article X; and Sections 1, 2(a), and 2(b) of Article XII.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

One new section is adopted by adding one new section to be known as section 37(b) of Article IV to read as follows:

Section 37(b). For the sole and exclusive purpose of providing additional monies to be expended and used only for tobacco use education, prevention, and cessation programs and initiatives, and the improvement of health care access and treatment in both urban and rural areas of the state, on and after January 1, 2007, a tax equal to four cents per cigarette and twenty percent of the manufacturer's invoice price before discounts and other reductions shall be levied on all tobacco products in the same manner and at the same time as the taxes imposed by law upon the sale of cigarettes and other tobacco products.

2. As used in this section 37(b) of Article IV - "Cigarette" means an item manufactured of to-

bacco or any tobacco substitute, wrapped in paper or any substitute thereof, weighing not to exceed three pounds per one thousand cigarettes and which is commonly classified, labeled, or advertised as a cigarette.

"Manufacturer's invoice price" means the original net invoice price which a manufacturer sells other tobacco products to a distributor, wholesaler, or first seller in the state as shown by the manufacturer's and Cessation Account shall be appropriated for such programs.

"Other tobacco products" means cigarette papers, loose cigarettes, cigars, smokeless tobacco, smoking tobacco, or other form of tobacco products or products made with tobacco substitute containing nicotine;

"Cigar" means any roll for smoking, except cigarettes, made chiefly of tobacco or any tobacco substitute;

"Smokeless tobacco" means chewing tobacco, including, but not limited to, moist plug, loose leaf and firm plug, and all types of snuff, including, but not limited to, moist and dry;

"Healthy Future Trust Fund" means the fund created by subsection 3 of this section;

"Tobacco Use Prevention, Education, and Cessation Account" means the account created by subsection 11 of this section;

"Health Care Access and Treatment Account" means the account created by subsection 3(2) of this section;

"Department of health and senior services" means the executive department established by chapter 192, RSMo, or any successor department or agency;

"Missouri Medicaid beneficiary" means an individual who receives medical assistance under the Missouri Medicaid program;

"Uninsured Missourian" means a Missouri resident and domiciliary who does not have health coverage through any private insurer, employer-sponsored self-insured plan, government health care program such as Medicaid, Medicare, or similar federal, state, or local program;

"Physician" means an individual with a valid and effective license to practice medicine and a valid and effective Missouri Medicaid participation agreement; and "public poverty guidelines" means the federal poverty guidelines established pursuant to 42 U.S.C. section 9902(2), as amended, or any successor federal poverty guidelines;

"Missouri Medicaid program" means the medical assistance program administered by the state of Missouri pursuant to Title XIX and Title XXI of the Social Security Act, as amended, and chapter 208, RSMo, and any successors to that program and shall include the State Children's Health Insurance Program and its successors;

"Medicare physician fee schedule" means the Medicare physician fee schedule established pursuant to Title XIX of the Social Security Act, as amended, or any successors to that schedule;

"Safety net clinics" means those clinics with valid and effective Missouri Medicaid participation agreements that provide care to a substantial percentage of uninsured Missourians;

"Trauma centers" means those clinics, as determined by the department of social services, that shall include, but not be limited to, federally qualified health care centers, community mental health centers, public health clinics, medical school-based clinics, federal health care centers, and other government-owned, rural health clinics, and hospital-based clinics that provide primary and physician specialty care services to uninsured Missourians;

"Safety net clinic visit" means a face-to-face encounter between a safety net clinic patient and a physician, physician assistant, nurse practitioner, nurse-midwife, visiting nurse, or other appropriate health care provider, as determined by department of social services;

"Trauma centers" means hospitals with valid and effective Missouri Medicaid participation agreements that have been designated as trauma centers by the department of health and senior services;

"Hospital emergency departments" means the emergency departments of hospitals with valid and effective Missouri Medicaid participation agreements that have been designated as Level I trauma centers or an equivalent designation by the department of health and senior services;

"Level I trauma centers" means hospitals with valid and effective Missouri Medicaid participation agreements that have been designated as Level I trauma centers or an equivalent designation by the department of health and senior services;

3. The Healthy Future Trust Fund is hereby created in the state treasury. The following accounts are hereby created within the Healthy Future Trust Fund:

- (1) Tobacco Use Prevention, Education, and Cessation Account; and
- (2) Health Care Access and Treatment Account.

4. Beginning January 1, 2007, the state treasurer within ninety days of the effective date of this section shall place the Healthy Future Trust Fund all monies collected as a result of the tax imposed by this section as said monies are received. All of the monies from the tax imposed by this section shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury and shall be credited to and placed only in the Healthy Future Trust Fund and the accounts created within the Healthy Future Trust Fund.

5. The monies collected and deposited into the Healthy Future Trust Fund and any account created by this section shall be appropriated and used only for a purpose or an initiative which is authorized by this section and shall not be subject to the provisions of section 33.080, RSMo. The unexpended balances of such monies shall remain in the Healthy Future Trust Fund and in the particular account in which the monies are placed, and shall not revert to the general revenue fund. All interest which accrues upon the monies in any account within the Healthy Future Trust Fund shall be added to such account and shall not be credited to the general revenue fund. Except as otherwise provided in this section, generally applicable laws concerning use of public funds shall apply to the Healthy Future Trust Fund.

6. The actual costs of collecting the tax imposed by this section shall be paid from the monies in the Healthy Future Trust Fund as may be provided by law, not to exceed two percent of the total monies collected;

7. The department of revenue shall refund monies overpaid or erroneously paid pursuant to this section as may be provided by law;

8. On a monthly basis, the director of the department of health and senior services shall report to the governor the amount of monies collected and deposited into this section has caused a reduction in the amount of monies collected and deposited into the fair share fund, the health initiatives fund, or the RSMo monies fund pursuant to chapter 149, RSMo. If a reduction in the amount of monies collected and deposited into any of those funds pursuant to chapter 149, RSMo has been caused by the tax imposed by this section, an amount equal to the amount of monies collected and deposited into that fund or funds because of the tax imposed by this section shall be transferred from the Healthy Future Trust Fund to the appropriate fund or funds. The agreement shall be made under the fair share fund, the health initiatives fund, and the state school monies fund from the Healthy Future Trust Fund for such monies shall not exceed three percent of the total monies collected pursuant to this section during that same month.

9. The net proceeds of the tax imposed by this section shall be monthly apportioned, distributed, and deposited as follows:

- (1) Sixty percent of one-half percent of the net proceeds shall be credited to and placed in the Tobacco Use Prevention, Education, and Cessation Account;
- (2) Twenty two and one-half percent of the net proceeds shall be credited to and placed in the Health Care Access and Treatment Account;
- (3) Twenty percent of the net proceeds shall be credited to and placed in the Tobacco Use Prevention, Education, and Cessation Account.

10. The net proceeds of the tax imposed by this section shall be monthly apportioned, distributed, and deposited as follows:

- (1) Sixty percent of one-half percent of the net proceeds shall be credited to and placed in the Tobacco Use Prevention, Education, and Cessation Account;
- (2) Twenty two and one-half percent of the net proceeds shall be credited to and placed in the Health Care Access and Treatment Account;
- (3) Twenty percent of the net proceeds shall be credited to and placed in the Tobacco Use Prevention, Education, and Cessation Account.

11. The additional revenue provided by section 37(b) of this article shall not be part of the "total state revenue" within the meaning of sections 7 and 18 of article X of this constitution. The expenditure of this additional revenue shall not be an "expense of state government" under section 20 of article X of this constitution.

12. The net proceeds from the tax imposed by this section shall constitute new and additional funding for the initiatives and programs described in this section and shall not be used to replace existing funding for tobacco or tobacco-related programs for Missouri Medicaid beneficiaries.

13. All of the provisions of this section shall be self-enforcing. All of the provisions of this section are severable. If any provision of this section is found by a court to be unconstitutional, the remaining provisions of this section shall be and remain valid.

14. The net proceeds from the tax imposed by this section shall constitute new and additional funding for the initiatives and programs described in this section and shall not be used to replace existing funding for tobacco or tobacco-related programs for Missouri Medicaid beneficiaries.

15. All of the provisions of this section shall be self-enforcing. All of the provisions of this section are severable. If any provision of this section is found by a court to be unconstitutional, the remaining provisions of this section shall be and remain valid.

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whether pre-existing funding for programs or initiatives has been reduced because of the new funding for such purposes provided through the Healthy Future Trust Fund or any of its accounts. Such audit shall be performed on an annual basis. The state auditor shall make copies of each audit available to the public. Every three years the state auditor shall prepare a comprehensive report assessing the work and progress of the programs established pursuant to this section. Such assessment report shall analyze the impact of the programs, grants, and contracts performed, shall be provided to



# Fair Ballot Language

For the General Election held **November 7, 2006.**



**Section 116.025.** The secretary of state within twenty days of receiving a statewide ballot measure shall prepare and transmit to the attorney general fair ballot language statements that fairly and accurately explain what a vote for and what a vote against the measure represent. Each statement shall be posted in each polling place next to the sample ballot. Such fair ballot language statements shall be true and impartial statements of the effect of a vote for and against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. In addition, such fair ballot language shall include a statement as to whether the measure will increase, decrease, or have no impact on taxes, including the specific category of tax. Such fair ballot language statements may be challenged in accordance with section 116.190. The attorney general shall within ten days approve the legal content and form of the proposed statements.

## Constitutional Amendment #2—Stem Cell

A “**yes**” vote will amend the Missouri Constitution to allow and set limitations on stem cell research, therapies, and cures which will:

- ensure Missouri patients have access to any therapies and cures, and allow Missouri researchers to conduct any research, permitted under federal law;
- ban human cloning or attempted cloning;
- require expert medical and public oversight and annual reports on the nature and purpose of any stem cell research;
- impose criminal and civil penalties for any violations; and
- prohibit state or local governments from preventing or discouraging lawful research, therapies and cures.

A “**no**” vote would not ensure that stem cell research permitted under federal law is allowed to be conducted in Missouri and that Missouri patients have access to stem cell therapies and cures permitted under federal law.

This measure will have no impact on taxes.

## Constitutional Amendment #3—Tobacco Tax

A “**yes**” vote will amend the Missouri Constitution to create the Healthy Future Trust Fund. This Fund will be used to reduce and prevent tobacco use. The Fund also will be used to increase funding for healthcare access and treatment for eligible low-income Missourians and Medicaid recipients. In addition, it will pay for the cost of administering the fund.

Money for the Fund will be generated by a tax on tobacco products. The tax will be four cents per cigarette and twenty percent on other tobacco products.

This Fund will be maintained and kept separate from general revenue and it will be audited annually.

A “**no**” vote means a Healthy Future Trust Fund would not be created to reduce and prevent tobacco use or increase funding for healthcare access and treatment for eligible low-income Missourians and Medicaid recipients. And no additional tax would be imposed on tobacco products.

If passed, this measure will increase taxes on tobacco products.

## Constitutional Amendment #6—SJR 26

A “**yes**” vote will amend the Missouri Constitution to include a tax exemption for real and personal property that is used or held exclusively for nonprofit purposes or activities of veterans’ organizations.

A “**no**” vote will not amend the Missouri Constitution to include a tax exemption for real and personal property that is used or held exclusively for nonprofit purposes or activities of veterans’ organizations.

The measure, if passed, and if an exemption from taxation is subsequently enacted, will decrease taxes on real and personal property used or held exclusively for nonprofit purposes or activities of veterans’ organizations.

## Constitutional Amendment #7—HJR 55

A “**yes**” vote will amend the Missouri Constitution to disqualify any statewide elected official, member of the General Assembly or state judge from receiving any pension from the state of Missouri if such official is convicted of a felony which occurred while in office. These officials will also be disqualified from receiving a pension if they are removed from office for misconduct or after impeachment. These restrictions shall apply after January 1, 2007.

This Proposition further changes provisions relating to the Missouri Citizens’ Commission on Compensation for Elected Officials. The Constitution currently provides that every two years, a citizens commission determines the compensation for statewide elected officials, members of the General Assembly, and state judges based on their duties. The purpose of this commission is to ensure that the power to control the rate of compensation of elected officials is retained and exercised by Missouri taxpayers. This Proposition will prevent the General Assembly from changing the commission’s recommended compensation schedule for elected officials through the appropriation process. Instead, the General Assembly will only be allowed to disapprove the commission’s recommendations by a two-thirds majority vote. Members of the General Assembly cannot receive any compensation increase approved by the Citizens’ Commission until January 1, 2009.

A “**no**” vote would allow payment of a pension from the state of Missouri to any statewide elected official, legislator or state judge who is convicted of a felony occurring while they were in office or who were removed from office for misconduct or following impeachment. The compensation schedule of statewide elected officials, legislators and state judges determined every two years by the Citizens’ Commission would continue to be subject to change by the General Assembly through the appropriation process.

This measure will have no impact on taxes.

## Proposition B—Minimum Wage

A “**yes**” vote will amend Missouri statutes to increase the state minimum wage rate to \$6.50 per hour, or to the level of the federal minimum wage, whichever is higher. Every year thereafter, the state minimum wage rate will be adjusted based on changes in the Consumer Price Index.

A “**no**” vote will not increase or set a state minimum wage rate.

This measure will have no impact on taxes.



# Missouri Voter Information

## Voting Instructions

- Show one of the forms of acceptable identification (see below) and sign the poll book to obtain your ballot.
- Mark your ballot *individually for each candidate* you choose – Missouri no longer allows the “straight party” ticket option.
- If you make an error that you are unable to correct *before* you cast your ballot, ask an election judge for a new ballot. Your old ballot will be “spoiled” and will not be counted.
- Ask the election judges if you have any questions or concerns.

## Acceptable Forms of Voter Identification\*

All voters, including first-time voters who registered by mail, will need to show **ONLY ONE** of the following forms of identification:

- Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- Identification issued by the United States government or agency thereof;
- Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;
- Driver’s license or state identification card issued by another state.

If you do not possess any of these forms of identification, you may still cast a ballot if two supervising election judges, one from each major political party, attest they know you.

*\*Pursuant to Section 115.427, RSMO Supp. 2006*

## Voting Equipment

Know how to properly use your voting equipment and cast your ballot:

- Ask for a demonstration or assistance from an election judge if you need additional instructions.
- Read the instructions posted in your polling place.
- **Second Chance Voting:** If you accidentally over-mark your ballot (mark more candidates for a race than to be elected), you will have the opportunity to correct your ballot.

## Change of Address

If you moved within this jurisdiction, you must update your registration. If you have not updated it prior to Election Day, you will be directed to your new polling place or a location designated by your election authority where you can update your registration records and vote.

## Absentee Voting

You may vote absentee for the following reasons: absence on Election Day; incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability; religious belief or practice; employment as an election authority or an election judge at a location other than your polling place; or incarceration (provided voting rights are retained).

If you registered by mail and are voting absentee the first time you vote, you must provide a copy of acceptable identification with your application for an absentee ballot.

## Accessible Voting

Ask for assistance from an election judge if you have any physical disability which hinders your ability to independently vote your ballot. You may cast your ballot on an accessible voting system (i.e. equipped with an audio ballot); request curbside voting; obtain assistance from a person of your choice; or ask for relocation to a more accessible polling location if needed due to a disability.

## Protecting Your Right to Vote

Violating election laws can jeopardize your right to vote. The following actions are violations of election laws and are subject to fines and/or imprisonment and/or loss of your right to vote:

- Making or accepting bribes to influence voters to vote either for or against candidates or ballot measures.
- Using threats, violence or force to influence someone’s vote.
- Falsifying voter registration information.
- Voting more than one time at any election.
- Electioneering within twenty-five feet from the outside entrance of a polling location.

## Provisional Voting

If your name is not on the precinct register (poll book), the following actions may be taken:

- Election judges will call the central election office to verify your registration. If you are at the wrong polling place, you will be directed to the correct location.
- If your registration cannot be confirmed after contacting the central election office, you can vote a provisional ballot, which will only be counted if you are later found to be an eligible voter at that polling place.

## Election Facts

- **Polling Place Hours** – Polls are open from 6:00am to 7:00pm on Election Day.
- **Primaries** – August primary elections are for political parties to nominate their general election candidates. Missourians don’t register by party, but you must choose one party’s ballot when voting in a primary, or choose to vote an “issues only” ballot (which will not include ANY candidates).
- **General Elections** – General elections are those in which you elect candidates to offices. The general election is held on the first Tuesday after the first Monday in November.
- **Presidential Elections** – When you cast a vote for President and Vice-President, you are voting for presidential electors. The electors whose candidates get the most votes go on to cast their electoral votes through the Electoral College, which elects the President and Vice-President.

Make your vote count! Contact your local election authority if you have any questions about voting.

**You have the right to expect a free and fair election. If you feel your voting rights have been violated, contact the Office of the Secretary of State at 800-NOW-VOTE.**

*This poster is in compliance with the Help America Vote Act of 2002 and Section 115.417, RSMo. 2005.*

# Voter's Bill of Rights

***As a registered Missouri voter, you have the right to:***

1. Cast your ballot free from interference in a private and secret manner unless assistance is requested;
2. View written instructions on how to obtain and cast a ballot;
3. Ask for and receive further instructions from election judges concerning the manner of voting;
4. View a sample ballot in the polling place before voting;
5. Cast a vote if you are in line at 7:00pm (closing time at the polls);
6. Ask for assistance from an election judge or person of your choice if you have any physical disability which hinders your ability to independently vote your ballot; cast your ballot on an accessible voting system (i.e. equipped with an audio ballot); or request curbside voting or a more accessible polling location if needed;
7. Receive another ballot if your ballot is accidentally spoiled or you make an error;
8. Vote by provisional ballot if your name is not on the precinct register and the election judges or election authority cannot determine your registration status;
9. Vote by absentee ballot as permitted by law;
10. Verify that the choices you made on the screen match the attached voter verifiable paper audit trail if you vote on a "touch screen" system and;
11. File a grievance with the Secretary of State's office if your rights under the Help America Vote Act, Title III, have been violated.

***If you believe your voting rights have been violated, contact the Missouri Office of the Secretary of State at 800-669-8683 or the U.S. Department of Justice at 800-253-3931.***

*This poster is in compliance with the Help America Vote Act 2002 and Section 115.417, RSMo. (2005).*



# Missouri Voter ID Requirements

Registered Voters Will Need

**ONLY ONE**

of the Following Acceptable Forms of Identification  
to Vote in the November 7th, 2006 General Election:



1



1



1



2



2



3



4



4



5

## ACCEPTABLE FORMS OF IDENTIFICATION:

- 1 Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;
- 2 Identification issued by the United States government or agency thereof;
- 3 Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
- 4 A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;
- 5 Driver's license or state identification card issued by another state.

If you do not possess any of these forms of identification, you may still cast a ballot if two supervising election judges, one from each major political party, attest they know you.



# **Don't Forget:**

**Make a Mark by Each Candidate  
You're Voting For.**

You can no longer use  
the “straight party” ballot option  
where one mark allowed you to  
vote for all of the candidates  
of one political party.

**Now, you must vote  
for each candidate  
of your choice *individually*.**

Ask a pollworker if you have  
any questions or need assistance.

**Make Your Vote Count!**

# **Electioneering and Posting Signs in Polling Places**

**Section 115.637(18) RSMo of Missouri State Law prohibits, among other things, electioneering, distributing election literature, and posting signs with respect to any candidate or question to be voted on inside the building in which a polling place is located or within 25 feet of the building's outer door.**

**Violation of this law is a class 4 Election Offense, punishable by imprisonment of up to one year and/or a fine of up to \$2500.**

# LAWS OF MISSOURI

PASSED AT THE SESSION OF THE  
*Fifty-First General Assembly*

WHICH CONVENED AT THE  
*City of Jefferson*  
WEDNESDAY, JANUARY 5, 1921



(By Authority)

COMPILED BY  
**CHARLES U. BECKER,**  
SECRETARY OF STATE

*In compliance with section 7068  
Revised Statutes, 1919.*

**Sec. 4868. Ballots to be delivered to voter--to be marked how.**—On any day of election any person desiring to vote shall give his name, and if required to do so, his residence, to the judge of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear and audible; and where there is a registration of voters if such name is found in the register of voters by the officer having charge thereof, he shall likewise repeat said name and the voter shall be allowed to enter the space enclosed by the guard rail. One of the judges shall give the voter one, and only one, ballot, on the back of which two judges of opposite politics shall indorse their initials with ink or indelible pencil in such manner that they may be seen when the ballot is properly folded, and voter's name shall be immediately checked on the register list. All ballots shall be delivered in the consecutive order of their numbering. All elections where a registry is required no voter shall receive a ballot until his name is found on the register of voters. If any person desiring to vote at any election shall be challenged, he shall not receive a ballot until he shall have established his right to vote in the manner provided by law; and if he shall be challenged after he has received his ballot, he shall not be permitted to vote until he has fully complied with such requirements of the law. Any person shall be deemed to be guilty of the offense of personation who at any election applies for a ballot in the name of some other person, whether it be that of a person living or dead, or of a fictitious person, or who having voted once at the election applies at the same election for a ballot in his own name; and on conviction thereof such person shall be punished by imprisonment in the penitentiary for not less than two nor more than three years.

**Sec. 4. Repealing section 4869 and enacting new section.**—That section 4869, article 6, chapter 30, Revised Statutes of Missouri, 1919, is hereby repealed, and a new section enacted in lieu thereof, to be known as section 4869, and to read as follows:

**Sec. 4869. Voting—voters shall proceed—how.**—On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting booths so provided, and shall prepare his ballot for voting in the following manner: Should the voter desire to vote a "straight" party ticket he shall place a cross (X) mark in the circle immediately below the party name or name of vice-presidential candidate. If the voter desires to vote for one or more candidates on more than one party ticket, by voting what is commonly called a "split ticket" he may place a cross (X) mark in the circle immediately below one party name and mark cross (X) marks in the squares at the left of the names of candidates on other tickets for whom he wishes to vote. If the voter desires to vote for one or more candidates whose name or names do not appear on the printed ballot he may do so by drawing a line through the printed name of candidate for such office, and writing below such canceled name the name of the person for whom he desires to



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vote, and placing a cross mark in the square at the left of such name. The squares so marked shall take precedence over the cross marked in the circle. Where there are two or more candidates for like office in a group a cross (X) mark in the square to the left of a candidate's name, automatically votes against the candidate whose name appears within the same horizontal lines in the column under the circle in which appears the cross (X) mark unless the voter indicates another candidate to be voted against by drawing a line through such candidate name. All candidates of the party whose circle is marked shall be counted as voted for excepting where squares are crossed preceding the names of the candidates in other columns if two or more candidates for the same office are thus designated, neither shall be counted. If the cross (X) is not placed in the circle immediately below the party name at the head of the column, but does appear in the squares opposite the various candidates' names, then only these names shall be counted for, and none other. A cross (X) mark is any line crossing any other line at any angle within the voting space, and no ballot shall be declared void because a cross (X) mark therein is irregular in form. It shall not be lawful to deface or tear a ballot in any manner nor to erase any printed name "except as provided above in this section," figure, word or letter therefrom, nor to erase any mark made thereon by such voter, nor inclose in the folded ballot any other paper or any article. If the voter deface or tear a ballot, or wrongly mark the name or make an erasure therein, he may obtain one additional ballot on returning to the ballot clerk the one so defaced or wrongly marked. A ballot placed in the ballot box without any mark shall not be counted. Ballots shall be counted only for the person for whom the marks are thereon are applicable; when a voter shall place a mark against two or more names for the same office, and only one candidate is to be chosen for the office none of the candidates shall be deemed to have been voted for and the ballots shall not be counted for either such candidate. Before leaving the booth the voter shall fold his ballot in such a manner as to conceal his marks thereon. He shall mark his ballot without undue delay. He shall then hand the ballot to the judge of election selected to take ballots, who shall number the ballot and deposit it in the ballot box. The voter shall quit and leave said enclosed place as soon as possible.

**Sec. 5. Enacting new section to be known as section 4891a.** There is hereby enacted a new section to be known as section 4891a and to read as follows:

**Sec. 4891a. Voter shall be deemed guilty of misdemeanor—when—penalty.**—Any voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall knowingly make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere, with any voter when inside said enclosed

## Graph

Election Complaints Fielded by the Secretary of State's Office:

